



CITY COUNCIL AGENDA
Tuesday, September 6, 2016

5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Acquisition of property in the Downtown area for a public purpose; and consultation with legal counsel regarding pending litigation with Charlottesville Parking Center, Inc.; Boards and Commissions; City Manager annual performance evaluation)

7:00 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS ANNOUNCEMENTS Pride Festival Week; Imagine A Day Without Water

APPOINTMENTS TO BOARDS & COMMISSIONS
CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

1. CONSENT AGENDA* (Items removed from consent agenda will be considered at the end of the regular agenda.)

- a. Minutes for August 15
- b. APPROPRIATION: Adult Drug Treatment Court Grant Award – \$205,000 (2nd of 2 readings)
- c. APPROPRIATION: Victim Witness Assistance Program Grant – \$250,902 (2nd of 2 readings)
- d. APPROPRIATION: Proceeds from the Sale of 1312 Nunley Street – \$126,731.08 (2nd of 2 readings)
- e. APPROPRIATION: Mobile Computer and Records System Equipment – \$173,272 (2nd of 2 readings)
- f. APPROPRIATION: Safe Routes to School Grant Application – \$56,000 (2nd of 2 readings)
- g. APPROPRIATION: Local Contributions for Crisis Intervention Training – \$71,200 (1st of 2 readings)
- h. APPROPRIATION: Grant Funding for W. Main St. National Register Nomination – \$24,000 (1st of 2 readings)
- i. APPROPRIATION: Virginia Homelessness Solutions Grant (V.H.S.P.) – \$477,151; Housing Opportunities for Persons with AIDS (H.O.P.W.A.) – \$186,940 (1st of 2 readings)
- j. RESOLUTION: Jane Jacobs Symposium Funding – \$2,000 (1st of 1 reading)
- k. RESOLUTION: Daughters of Zion Cemetery Rehabilitation Project – \$80,000 (1st of 1 reading)
- l. RESOLUTION: Abundant Life Ministries Reimbursement (1st of 1 reading)
- m. RESOLUTION: GO Virginia (1st of 1 reading)
- n. RESOLUTION: Transfer for C.A.T.E.C. Chiller Replacement Project – \$144,700 (1st of 1 reading)
- o. RESOLUTION: Online Voter Registration (1st of 1 reading)
- p. ORDINANCE: Telecommunications Ordinance Amendments (2nd of 2 readings)
- q. ORDINANCE: Dominion Utility Right-of-Way Agreements to Serve the YMCA (2nd of 2 readings)

2. PUBLIC HEARING / RESOLUTION* Comprehensive Plan Amendment – Streets That Work Plan (1st of 1 reading) – **30 mins**

3. PUBLIC HEARING / ORDINANCE* Conditional Release of Road Widening, Drainage, and Public Access Easements to Accommodate Retail Development at 1200 Emmet St. (1st of 2 readings) – **10 mins**

4. RESOLUTION* 1248 Emmet Street Special Use Permit – Zaxby's (1st of 1 reading) – **20 mins**

5. RESOLUTION* House Bill 2 (HB2/ SMART Scale) Submissions, Bicycle and Pedestrian Safety Program Transportation Funding – **20 mins**

6. REPORT Code Audit Update – **30 mins**

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.

Please follow these guidelines for public comment:

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	August 15, 2016
Action Required:	Approve and appropriate grant funds
Presenter:	Susan Morrow, Offenders Aid and Restoration
Staff Contact:	Susan Morrow, Offenders Aid and Restoration Leslie Beauregard, Assistant City Manager
Title:	Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$205,000

Background:

The City of Charlottesville, on behalf of the Charlottesville/Albemarle Adult Drug Treatment Court, has received the Byrne Grant from the Supreme Court of Virginia in the amount of \$205,000 for operations of the drug court program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Drug Court Byrne Grant.

Discussion:

In its nineteenth year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12 month drug treatment program that serves as an alternative to jail time for offenders. Drug Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders who are addicted to drugs. The program uses the power of the court to assist non-violent drug offenders to achieve recovery through a combined system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The total program budget is **\$326,316** and includes three funding sources:
Supreme Court of VA - \$205,000
City of Charlottesville: \$68,179, which has already been appropriated
Albemarle County: \$53,137, which has already been appropriated

Alignment with City Council Vision and Strategic Plan:

This program supports the Council's Goal C2: Be a safe, equitable, thriving and beautiful community and Objective C2.1: Provide an effective and equitable public safety system. The drug court is a valuable, less expensive alternative to incarceration for certain substance dependent criminal offenders which utilizes a blend of court-ordered supervision, drug testing, drug and mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and drug use among participants beyond what is observed after incarceration alone.

Community Engagement:

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug driven crimes who are at a high level of risk for reoffending due to active addictions and long standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, and the Sheriff's department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program which takes a minimum of 12 months, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community's investment in them by maintaining legal employment, providing for and taking care of their children and families including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

Budgetary Impact:

The City's match for this grant, \$68,179, was appropriated as part of the F.Y. 2017 Council Approved Budget and is part of the City's contribution to Offender Aid and Restoration.

Recommendation: Staff recommends approval and appropriation.

Attachments: N/A

APPROPRIATION.
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$205,000

WHEREAS, the Supreme Court of Virginia awarded the Byrne Grant in the amount of \$205,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$121,316; and

WHEREAS, the grant award covers the period July 1, 2016 through June 30, 2017.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$205,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$205,000 Fund: 209 Internal Order: 1900267 G/L Account: 430120

Expenditures

\$205,000 Fund: 209 Internal Order: 1900267 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$205,000 from the Supreme Court of Virginia.

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**CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.**



Agenda Date:	August 15, 2016
Action Required:	Approval and Appropriation
Presenter:	Maggie Cullinan, Coordinator Victim and Witness Assistance Program
Staff Contacts:	Maggie Cullinan, Coordinator Victim and Witness Assistance Program Ryan Davidson, Senior Budget and Management Analyst
Title:	Victim Witness Assistance Program Grant \$250,902

Background:

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$164,176 in Federal Funds and \$54,726 in State General Funds, and \$32,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$250,902.

Discussion:

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized, but knew that in order to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 60 such programs in the state that provides crisis intervention and advocacy, information and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 800 victims and 20 witnesses each year.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City, a Community of Mutual Respect and a Smart, Citizen-Focused Government. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on the amount of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental health providers through the Criminal Injury Compensation Fund. The Program helps create a **Community of Mutual Respect** by responding to the needs of crime victims and helps achieve a

Smart, Citizen-Focused Government by ensuring their rights are recognized throughout the local criminal justice system, including police, prosecution, judges and probation.

Community Engagement:

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. Program staff serves on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the forms of government services day, training and speaking engagements at U.V.A., P.V.C.C. and other allied agencies as requested.

Budgetary Impact:

The Victim Witness Assistance Program Grant is renewed annually; the amount of this year's award is \$218,902. The salary supplement of \$32,000 was budgeted in the Commonwealth's Attorney's budget as part of the F.Y. 2017 Adopted Budget and will be transferred into the grants fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grant funds are not appropriated, Charlottesville crime victims will have no access to compensation, advocacy or services afforded to them under Virginia's Crime Victim and Witness Rights Act.

Attachments:

Appropriation Memorandum

APPROPRIATION.

Charlottesville Victim Witness Assistance Program Grant

\$250,902.

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$218,902; and

WHEREAS, the City is providing a supplement in the amount of \$32,000, the source of which is the Commonwealth Attorney's operating budget;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$250,902 is hereby appropriated in the following manner:

Revenues

\$ 54,726	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$164,176	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 32,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

\$222,214	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 7,379	Fund: 209	Cost Center: 1414001000	G/L Account: 530100
\$ 21,309	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

Transfer

\$ 32,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$218,902 from the Virginia Department of Criminal Justice Services.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	August 15, 2016
Action Required:	Approval of Appropriation
Presenter:	Kathy McHugh, Housing Development Specialist
Staff Contacts:	Kathy McHugh, Housing Development Specialist Alexander C. Ikefuna, Director of NDS
Title:	Appropriation of Proceeds from the Sale of 1312 Nunley Street by the Thomas Jefferson Community Land Trust - \$126,731.08

Background:

On June 20, 2011, Council approved funding to purchase four lots on Nunley Street (which is part of the Habitat for Humanity of Greater Charlottesville Paton Street mixed-income neighborhood) and to work with a Habitat to construct townhouses on these lots. Two of the lots were designated for the Region Ten Community Services Board to be used for an independent living facility for up to seven residents and one on-site counselor. Region Ten requested that two lots be combined into one so that a large townhouse could be constructed instead of two smaller units. This request was honored and the property was transferred upon completion. The other two townhomes were transferred to the Thomas Jefferson Land Trust (TJCLT) to be sold as supported affordable units.

The agreement between the City and TJCLT dated March 12, 2012 specified that the land value would be retained by TJCLT (as is consistent with land trust practices) and that the two properties (1306 and 1312 Nunley Street) would be sold to an eligible buyer at 80% or less of Area Median Income (AMI). The proceeds from the sale were to be transferred back to the City, less specified costs for closing, relator fees and holding costs.

The first property (1306 Nunley Street) sold in 2013 and funds of \$127,432.46 were appropriated by Council to the Charlottesville Affordable Housing Fund on September 3, 2013. That unit sold for \$135,000, based on a valuation by Pape Appraisals in November 2012 of \$175,000 less \$40,000 land value; however, with real estate commission of \$4,050, closing costs of \$1,500 and holding costs of \$2,017.54, the final amount due to the City was \$127,432.46.

The second property (1312 Nunley Street) took much longer to sell, despite multiple showings and routine interest over an extended period. Both TJCLT and City staff were frustrated by this; however, it appeared that potential buyers were either concerned over the land trust ownership model (which separates the land from the improvements) or the proximity to the Region Ten group home. Coupled with the need to sell to an income qualified buyer who could also qualify for a mortgage with Wells Fargo (i.e., the only lending institution willing to work with the TJCLT), 1312 Nunley Street was vacant for roughly three years.

Discussion:

Over the past three years, City staff has continued to discuss challenges and different marketing approaches with the TJCLT (including actively promoting the unit to City employees). These included (among other things) allowing TJCLT to rent the unit as well as use of a City-held deed of trust/shared appreciation to effectively lower the cost to the buyer. Ultimately, neither proved to be viable as the Paton Street Home Owner Association (HOA) restricts rental of homes within this neighborhood and the TJCLT was reluctant to rent the unit and potentially have to renovate it to sell at a later time. As to the use of partial City financing through a deed of trust/shared appreciation, Wells Fargo would not approve this, so this approach had to be abandoned as well.

Regardless of all these difficulties, the second property (1312 Nunley Street) finally sold to an income qualified buyer on July 8, 2016 and funds of \$126,731.08 now need to be appropriated to the Charlottesville Affordable Housing Fund. This unit sold for \$143,200 (based on a specified sales price of \$180,000 per the March 2012 agreement. less \$36,800 land value at the time the purchase agreement); however, with real estate commission of \$4,296, closing costs of \$1,483.27 and holding costs of \$10,689.65, the final amount due to the City amounted to \$126,731.08.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options.

Community Engagement:

There has not been any specific community engagement or public input on this matter.

Budgetary Impact:

The funds will be appropriated into the existing Charlottesville Affordable Housing Fund account, increasing the City's ability to further affordable housing efforts.

Recommendation:

Staff recommends approval of the proposed appropriation.

Alternatives:

As the funds used for the purchase of land and development of the townhouse at 1312 Nunley Street originated from the Charlottesville Affordable Housing Fund, there is no viable alternative other than to return these to that fund.

Attachments:

Appropriation

APPROPRIATION

**Proceeds from Sale of Property at 1312 Nunley Street
by Thomas Jefferson Community Land Trust
\$126,731.08**

WHEREAS, the City of Charlottesville has received \$126,731.08 from the Thomas Jefferson Community Land Trust; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$126,731.08 is hereby appropriated in the following manner:

Revenue – \$126,731.08

Fund: 426 WBS: CP-084 (P-00672) G/L Account: 451999

Expenditures - \$126,731.08

Fund: 426 WBS: CP-084 (P-00672) G/L Account: 599999

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	August 15, 2016
Action Required:	Approval of Appropriation
Presenter:	Lieutenant David W. Shifflett, Jr., Police Department
Staff Contacts:	Lieutenant David W. Shifflett, Jr., Police Department
Title:	Mobile Computer and Records System Equipment - \$173,272

Background:

The City of Charlottesville, County of Albemarle and University of Virginia recently procured an integrated public safety data system (New World Systems). The system includes a computer aided dispatch (C.A.D.) and mobile application that serves law enforcement and fire/rescue agencies, as well as an integrated law enforcement records management system (L.E.R.M.S.) and automated field reporting (A.F.R.) application. Also included is a jail management system (Corrections), fire records management system (F.R.M.S.) and a Patient Care Reporting (P.C.R.) application.

In order to fully utilize the functionality of the system, the Police Department must purchase additional mobile equipment for its police vehicles, and replace a number of aging computers which do not meet the minimum specifications of the new records management system software.

Discussion:

An integral component of the new integrated public safety data system is an officer's ability to complete and submit reports, to include temporary citizen detentions, and to electronically submit criminal and traffic related citations (e.Citations) to the court and records management system from the field. The Commonwealth of Virginia requires ink signatures on citations issued by law enforcement officers. In order to issue citations with the new mobile records system, the Police Department must purchase mobile thermal printers, 2D driver's license scanners and related accessories/supplies for its vehicles, as well as six ruggedized handheld computers with related accessories for motor and bicycle officers. In addition, wireless computer keyboards and steering wheel keyboard mounts are needed for officers to effectively write and submit reports from their vehicles to the new records management system.

Also to be capable of utilizing the software, the city must replace a number of aging desktop/laptop computers which do not meet the minimum specifications of the new records management system. Upon investigation by the City's Information Technology (I.T.) department it was found that 69 computers in the Police Department, Commonwealth Attorney's Office, and City Sheriff's Office did not meet the minimum processor specifications to run the new software and that 17 computers did

not have the required memory capacity to run the new software. The 69 computers that did not meet the minimum processor specifications will need to be replaced in order to run the new system and the 17 computers that did not have enough required memory will receive memory upgrades.

The following chart details the cost of the various items discussed above.

Regional Public Safety System Equipment Purchases			
Device	Quantity	Unit Price	Extended Price
Driver's License Scanner	75	\$368.00	\$27,600
In-Car Printer	75	\$296.00	\$22,200
In-Car Printer Mount	75	\$170.00	\$12,750
In-Car Printer Wiring Adapter	75	\$15.95	\$1,196
In-Car Printer USB Cable (6")	75	\$4.60	\$345
Installation	75	\$250.00	\$18,750
In-Car Printer Paper (6-pack)	75	\$50.00	\$3,750
Wireless Keyboard	75	\$30.00	\$2,250
Steering Wheel Mount	75	\$25.00	\$1,875
Ruggedized Handheld Computers and Related Accessories	6	\$3,200.00	\$19,200
Computer Replacements	69	\$904.40	\$62,404
<u>Memory Upgrades</u>	<u>17</u>	<u>\$56.00</u>	<u>\$952</u>
Total			\$173,272

The Police are requesting the use of \$173,272 of previously appropriated and unallocated C.I.P. Contingency funding to fund the needed equipment purchases and upgrades. Of that amount \$63,356 for currently needed computer replacements will be transferred to the Computer Replacement Pool account to cover the replacement desktops/laptops to be ordered. The remaining \$109,916 will be transferred to the Police Mobile Data Computer system C.I.P. account for the new equipment that is yet to be ordered.

Alignment with City Council's Vision and Strategic Plan:

This funding will support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. It specifically supports Goal 2.1, to provide and effective and equitable public safety system. The funding will be used to purchase needed mobile equipment for the new records management system. The new public safety system is a regional integrated system for the City of Charlottesville, County of Albemarle and University of Virginia. The new system is a significant improvement to the existing infrastructure and will improve public safety though enhanced communications, decision making ability, record keeping, and timeliness of critical information.

Community Engagement:

N/A

Budgetary Impact:

This request has no impact on the General Fund. This request seeks approval to reprogram previously appropriated C.I.P. Contingency funds in the amount of \$173,272.

Recommendation:

Staff recommends approval and appropriation of the requested funds.

Alternatives:

The alternative is to not approve the appropriation and not purchase the equipment.

Attachments:

APPROPRIATION.

Police Mobile Computer and Records System Equipment - \$173,272.

WHEREAS, the recently upgraded integrated public safety data system (New World Systems), has necessitated the need to purchase or upgrade several components of the Police ;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$173,272 from the Capital Contingency Account (CP-080) is to be appropriated in the following manner:

TRANSFER FROM - \$173,272:

Fund: 426 Funded Program: CP-080 G/L Account: 599999

TRANSFER TO:

Revenues - \$109,916

Fund: 429 Funded Program: P-00236 G/L Account: 432030

Expenditures - \$109,916

Fund: 429 Funded Program: P-00236 G/L Account: 599999

Revenues - \$63,356

Fund: 705 Cost Center: 2131001000 G/L Account: 498010

Expenditures - \$63,356

Fund: 705 Cost Center: 2131001000 G/L Account: 520900

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 15, 2016
Action Required:	Request for Appropriation - Safe Routes to School Non-Infrastructure Grant Application
Presenter:	Amanda Poncy, Bicycle and Pedestrian Coordinator
Staff Contacts:	Amanda Poncy, Bicycle and Pedestrian Coordinator
Title:	Safe Routes to School Non-Infrastructure Grant Application - \$56,000

Background:

On November 5, 2015, the Virginia Department of Transportation (VDOT) announced another year of Safe Routes to School Non-Infrastructure (Activities and Programs) Grants, which can be used to fund **education, encouragement, evaluation** and **enforcement** programs to support safe bicycling and walking to school. The Non-Infrastructure Grant can also be used to fund a SRTS coordinator. A SRTS Coordinator is a part- or full-time SRTS advocate who works within a school division to promote and facilitate Safe Routes to School activities at a minimum of three schools in the division.

The City of Charlottesville has a Safe Routes to School Program that dates back to the early 2000's. Since that time the City has implemented numerous infrastructure and planning projects to support Safe Routes to School. For much of that time, the Alliance for Community Choice in Transportation (ACCT) was the primary organization dedicated to working with administrators, faculty, parents, volunteers and neighborhood organizations to create a variety of Safe Routes to School programs. In 2012, ACCT disbanded and while many of their program efforts continue in (though to varying degrees), the City no longer has a champion dedicated to the education, encouragement and evaluation activities needed to support active transportation for K-8 students.

In examining our division's needs closely, we believe that a part-time coordinator dedicated to managing, training, and expanding Safe Routes to School programming city-wide will be the most effective way to create meaningful and lasting progress.

Discussion:

As part of the grant application, the City was required to create a Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinate SRTS program (nearly 30% of students live within ½ mile of school and nearly 70% live within 1 mile of school). The SRTS APP was created through a team-based approach that

involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non-infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The City of Charlottesville Safe Routes to School Initiative aims to:

1. Increase the number of students using active transportation to get to & from school, especially among those living within one mile of their school.
2. Reduce the number of injuries suffered by school-aged students walking & biking.
3. Raise awareness of the benefits of active transportation to students, parents, & the community at large.
4. Reduce traffic congestion & greenhouse gas emissions.
5. Promote lifelong healthy habits.

Based on the issues identified by the team, the following short-term recommendations were developed:

- Institute bike riding, repair, and safety curriculum (Education)
- Host bike & walk route mapping workshops (Education)
- Develop a division-wide SRTS website and newsletter (Education)
- Facilitate biking and walking trains (Encouragement)
- Regularly host walk-to-school and bike-to-school days (Encouragement)
- Consistently host annual Bicycle Rodeos (Encouragement)
- Conduct bike safety checks (Enforcement)
- Expand the bike helmet give-away program (Enforcement)
- Administer student travel tallies (Evaluation)
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events (Evaluation)

The SRTS Activities and Programs Plan will serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The \$56,000 grant award will fund a part-time (20 hours per week) Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP. As a reimbursable grant, costs will be incurred by the City and reimbursed by VDOT.

Alignment with City Council's Vision and Strategic Plan:

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 2 and 5 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community and to foster strong connections – namely 2.2 Consider health in all policies and programs; 2.3 Provide reliable and high quality infrastructure; 5.2. Build collaborative partnerships.

The initiative further implements recommendations within the Comprehensive Plan (2013) and supports the City's Healthy Eating Active Living (HEAL) Resolution

Community Engagement:

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, PW, Parks), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016.

Budgetary Impact:

The grant application will provide funding (100% reimbursable) for both a part-time Safe Routes to School Coordinator and the supporting activities included in the Activities and Programs plan. The grant will fund a position for 12 months with an opportunity to reapply for funding for 2 additional years. The coordinator will work closely with the Bicycle and Pedestrian Coordinator (NDS), Climate Change Coordinator (Environment) and the PE + Health Coordinator (City Schools).

This is the last year that funding will be provided at 100%. Future grants would require a 20% match. We anticipate a future year match will come from a combination of in-kind donations of supplies, volunteers and community partners. Should that goal not be met, existing CIP resources will supplement the in-kind match.

Recommendation:

Staff recommends approval and appropriation of the grant funds.

Alternatives:

If grants funds are not appropriated, Safe Routes to School programming will continue in an ad-hoc fashion with assistance from community partners and parent volunteers.

Attachments:

Safe Routes to School Activities and Programs Plan
<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/transportation/bicycle-and-pedestrian/safe-routes-to-school>

A Resolution Supporting Safe Routes to School Projects

RESOLUTION
Supporting Safe Routes to School (“SRTS”) Projects

WHEREAS, obesity is one of the most serious threats to American public health, ranking third among preventable causes of death in the United States;

WHEREAS, motor vehicle crashes are also a leading cause of death and injury to children;

WHEREAS, between 1969 and 2009 the percentage of children walking and biking to school dramatically declined from 48 percent to 13 percent;

WHEREAS, the Safe Routes to School program, created by Congress in 2005, aimed to increase the number of children engaged in active transportation when traveling to school by funding (1) infrastructure projects, located within two miles of a public school, that directly increase safety and convenience for public school children walking and/or biking to school, and (2) non-infrastructure projects designed to encourage public school children to walk and bicycle to school;

WHEREAS, Safe Routes to School projects are a proven, effective approach to increasing the number of children actively traveling to school by foot or bike;

WHEREAS, Safe Routes to School projects provide important health, safety, and environmental benefits for children, including reducing risk of obesity/chronic disease and pedestrian/bicycle injuries as well as improving air quality;

WHEREAS, the need for Safe Routes to School projects is especially strong in low-income areas, which suffer from a disproportionately high incidence of both childhood obesity/chronic disease and pedestrian and bicycle injuries and often have inferior pedestrian and bicycle infrastructure;

WHEREAS, Safe Routes to School projects make it safer and more convenient for all residents to walk and bike to destinations, further promoting public health;

WHEREAS, a goal of the City of Charlottesville’s current Comprehensive Plan, Bicycle and Pedestrian Master Plan, Complete Streets Resolution and Healthy Eating Active Living Resolution supports active transportation options, which can be met in part by implementation of Safe Routes to School projects;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville affirms its commitment to active transportation and supporting Safe Routes to School infrastructure and non-infrastructure projects.

APPROPRIATION

Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$56,000

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$56,000;

WHEREAS, the SRTS program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$56,000 Fund: 209 Cost Center: 3901008000 G/L Account: 430120

Expenses

\$26,000 Fund: 209 Cost Center: 3901008000 G/L Account: 519999
\$30,000 Fund: 209 Cost Center: 3901008000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$56,000 from the Virginia Department of Transportation.

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**CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA**



Agenda Date:	September 6, 2016
Action Required:	Approval and Appropriation
Presenter:	Lieutenant David W. Shifflett, Jr., Police Department
Staff Contacts:	Lieutenant David W. Shifflett, Jr., Police Department Thomas Von Hemert, Jefferson Area C.I.T. Coordinator
Title:	Local Contributions for Crisis Intervention Training - \$71,200

Background:

The City of Charlottesville Police Department has received contributions through Region Ten from the Virginia Department of Behavioral Health and Development Services in the amount of \$53,700 and funds from local agencies to support Crisis Intervention Training (C.I.T.) in the amount of \$17,500. These funds will assist in providing for the salary of the C.I.T. Coordinator and the program's operational cost; as well as provide ongoing training, along with mentoring, technical assistance, and consultation, to C.I.T. programs and will be provided in the following manner per fiscal year:

Albemarle County Police Department	\$2,500
City of Charlottesville Police Department	\$2,500
University of Virginia Police Department	\$2,500
Albemarle/Charlottesville Regional Jail	\$2,500
Region Ten	\$2,500
Central Virginia Regional Jail	\$2,500
Charlottesville Area Community Foundation	\$2,500
Virginia Department of Behavioral Health and Development Services	\$53,700
<hr/> Total contributions	\$71,200

Additional income may be received from outside jurisdiction agencies who attend training in the Thomas Jefferson Training Area. These are reimbursed through The Department of Criminal Justice Services, at \$500 per person and received on a case by case basis as the training occurs.

Discussion:

The Thomas Jefferson Area Crisis Intervention Program provides regular training courses for Law Enforcement and other agencies, both local and from throughout the state. These week long training sessions for Police Officers, along with other training sessions for security guards, dispatchers, and others are provided regularly over the course of each year led by C.I.T. Coordinator, Thomas von Hemert. This training serves to keep agencies equipped with C.I.T. trained officers in order to better service those in mental crisis. Funding for this training is provided from multiple agencies on a previously agreed upon cost.

Alignment with Council Vision Areas and Strategic Plan:

Appropriation of this item aligns with Council's visions by providing funding to aid the Thomas Jefferson Crisis Intervention Team Program and the Charlottesville Police Department in delivering optimal C.I.T. services to our City as a Smart, Citizen-Focused Government. It supports our Mission of **providing services that promote exceptional quality of life for all in our community** by providing important quality services to those in need of mental health assistance and safety.

This appropriation also supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community**. The C.I.T. program provides education and training to members of the Community who have frequent interaction with those in need of mental health assistance. These people include but are not limited to, police officers, dispatchers, corrections officers, and fire department personnel. C.I.T. encourages safer and more effective interaction between care providers and those in need, making those interactions and the community more equitable and safer for all. The Jefferson Area C.I.T. program also embraces **Goal 5: Foster Strong Connections** by involving all aspects of the mental health processes and making them more efficient and safer. C.I.T. facilitates and fosters relationships between Region 10, mental health providers, law enforcement, local hospitals, jails, and many others to ensure that those in need of mental health services can obtain them as safely and efficiently as possible. Outcomes for C.I.T. programs can be reported through the number of people who received services related to the program.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a grants fund and used to operate the program through the Thomas Jefferson Area Crisis Intervention Team.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

The alternative is to not approve this project to the detriment of increasing much needed mental health programs.

Attachments:

Appropriation

APPROPRIATION

\$71,200

Local Agency Contribution for Crisis Intervention Training

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from local agencies \$71,200 per fiscal year;

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from other local agencies, funding to support Crisis Intervention Training programs;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lump sum of \$71,200, received from local Agencies is hereby appropriated in the following manner:

Revenues: \$71,200

\$71,200 Fund: 209 Cost Center: 3101003000 G/L Account: 434410

Expenditures: \$71,200

\$71,200 Fund: 209 Cost Center: 3101003000 G/L Account: 519999

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia, that this appropriation is conditioned upon the receipt of funding by the participating agencies listed above, and will be hereby considered as a continuing appropriation and funds received for this purpose will be immediately available to spend for the C.I.T. program.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 6, 2016
Action Required:	Appropriation of Funds
Presenter:	Mary Joy Scala, Preservation & Design Planner, Department of Neighborhood Development Services (N.D.S.)
Staff Contacts:	Mary Joy Scala, Preservation & Design Planner, N.D.S. Alex Ikefuna, Director, N.D.S.
Title:	Virginia Department of Historic Resources (D.H.R.) 2016-2017 Certified Local Government (C.L.G.) grant funding for West Main Street National Register nomination - \$24,000

Background:

The City of Charlottesville through the Department of Neighborhood Development Services has been awarded \$9,000 from the Virginia Department of Historic Resources' 2016-2017 Certified Local Government Subgrant program to have completed a National Register nomination report for a historic district located in the area of West Main Street between Ridge-McIntire Road on the east and Drewary Brown Bridge on the west. There is a local match requirement, which will be met by a \$15,000 match.

Discussion:

This funding will provide a nomination report for a West Main Street National Register district, including a comprehensive, reconnaissance-level survey of approximately 50 buildings, many associated with Charlottesville's diverse ethnic and cultural history; and it will provide a Preliminary Information Form (P.I.F.) based on the survey results, to confirm the eligibility of West Main Street for a potential National Register district. A National register listing would provide eligibility for a rehabilitation tax credit incentive to balance preservation regulations (A.D.C. District) already in place.

Alignment with Council Vision Areas and Strategic Plan:

Appropriation of this item aligns with Council's Vision 2025 by supporting Charlottesville Arts and Culture: **Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources.**

This appropriation also supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community**, including: **2.5. Provide natural and historic resources stewardship, 2.6. Engage in robust and context sensitive urban planning**, and **Goal 3: Have a strong diversified economy**, including: **3.4. Promote diverse cultural tourism.**

Community Engagement:

This area is not a typical neighborhood with homeowners. The proposed nomination has been discussed with individual commercial property owners, and a mailing to all property owners was sent in May. Before the survey begins, the project consultant will hold an informational meeting to explain a National Register listing.

Budgetary Impact:

The local match of \$15,000 is currently available in Neighborhood Development Services capital projects fund 426 for New Historic Surveys P-00484.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

The alternative is to not approve this project, which would be contrary to Comprehensive Plan Historic Preservation Goal 3 Incentives & Tools, 3.2 *Pursue National Register and Virginia Landmarks Register status for all future local historic districts.*

Attachments:

N/A

APPROPRIATION

**Virginia Department of Historic Resources (D.H.R.)
2016-2017 Certified Local Government (C.L.G.) grant funding
for West Main Street National Register nomination
\$24,000**

WHEREAS, the City of Charlottesville, through the Department of Neighborhood Development Services, has received from the Virginia Department of Historic Resources (D.H.R.), funding to support a National Register nomination for West Main Street from Ridge-McIntire Road to Drewary Brown Bridge,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$9,000 for the fiscal year 2016-2017 received from the Virginia Department of Historic Resources (D.H.R.) is hereby appropriated in the following manner:

Revenue

\$ 9,000	Fund: 209	IO: 1900270	G/L: 430120 (State/Fed Pass Thru)
\$15,000	Fund 209	IO: 1900270	G/L: 498010 (Transfer from C.I.P.)

Expenditure

\$ 24,000	Fund: 209	IO: 1900270	G/L: 530670 (Other contractual services)
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Transfer

\$15,000	Fund: 426	WBS: P-00484	G/L: 461209 (Transfer to grants)
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$9,000 for the fiscal year 2016-2017 from the Virginia Department of Historic Resources (D.H.R.).

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CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	September 6, 2016
Action Required:	Approval and Appropriation
Presenter:	Kaki Dimock, Director, Human Services
Staff Contacts:	Kaki Dimock, Director, Human Services Ryan Davidson, Senior Budget and Management Analyst
Title:	Virginia Homelessness Solutions Grant (V.H.S.P.) - \$477,151 Housing Opportunities for Persons with AIDS (H.O.P.W.A.) - \$186,940

Background:

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.), applied for and received two grants from the Virginia Department of Housing and Community Development. The Virginia Homelessness Solutions Grant (V.H.S.P.) award is \$477,151, and the Housing Opportunities for Persons with AIDS (H.O.P.W.A.) award is \$186,940, for a total of \$664,091 in Homeless awards.

Discussion:

The City of Charlottesville has staff from Human Services and Social Services taking a leadership role in the governance of T.J.A.C.H. The Virginia Homelessness Solutions Grant (V.H.S.P.) and Housing Opportunities for Persons with AIDS (H.O.P.W.A.) Grant are important resources in our community's efforts to end homelessness. The grant provides services in seven key areas.

1. **Rapid Rehousing and HOPWA:** Thomas Jefferson Health District is the recipient of V.H.S.P. funds for Housing Opportunities for Persons with AIDS (H.O.P.W.A.) funds for rental subsidies. The Haven is the recipient of the VHSP funds for Rapid Re-Housing. Supportive Services will be provided to all recipients of financial subsidies for up to 24 months. A small portion of the rapid re-housing funds will be used to address the needs of women experiencing homelessness as a result of domestic violence. The remainder will be used to serve the most vulnerable households experiencing homelessness based on evidence-based decision-making tools. This category will also fund ¼ of a position for Housing Navigation to supplement the investment made by the local governments during the A.B.R.T. process.
2. **Prevention:** The Haven will provide prevention services and subsidies to individuals and families in order to avoid the need for emergency shelter stays. Rental subsidies and utility payments will be provided to those individuals and families determined eligible through the use of a validated, structured decision-making tool. Priority will be given to

those households with a previous experience of literal homelessness. The Haven will use a service approach focused on providing the least amount of subsidy necessary to avoid literal homelessness and will make use of all available informal and mainstream resources in this effort. Ongoing eligibility for subsidies will be assessed every 90 days, at a minimum. Monthly case management will be provided to develop and implement a housing stability plan.

3. **Shelter:** PACEM is the recipient of V.H.S.P. funds for shelter. PACEM will continue to provide emergency, low barrier shelter beds during the winter months for the Charlottesville area. With ten years of experience as a D.H.C.D. grantee, PACEM offers the community 60 emergency beds (55 ongoing plus 5 thermal triage beds) between late October and early April when the risk of freezing is tangible for those on the streets. Annually, PACEM shelters between 200 and 225 adults. As a last resort, low barrier shelter, PACEM does not screen for substance use, mental health status, or criminal record, and provides shelter to registered sex offenders. The Families in Crisis program in the Albemarle County Public Schools is an additional recipient in this category. The program is meant to ensure the enrollment, attendance, and the success of homeless children and youth in school. In addition, emergency services, referrals for health services, transportation, school supplies, and costs related to obtaining school records may be provided.
4. **Homeless Management Information System (H.M.I.S.):** The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with T.J.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care (C.O.C.) has a well-populated database for individuals experiencing homelessness. H.M.I.S. collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among T.J.A.C.H. C.o.C. Service Providers expedites communication and reduces the need to interface disparate documentation systems.
5. **Coordinated Assessment process:** T.J.A.C.H, with service delivery through The Haven, will establish and publicize a daily central intake process for individuals and families in need of prevention, outreach, or shelter services. These assessments will be based on the agreed-upon Coordinated Assessment Packet developed through the Community Case Review which includes required demographic data elements, a vulnerability assessment, and release of information forms. Based on information gathered through the coordinated assessment process, clients will be referred to prevention services, emergency shelter services, housing navigation services, rapid re-housing services or permanent supportive housing resources. T.J.A.C.H. has made a commitment to using best-practice approaches and validated, structured decision-making tools to determine which resources will be most effective for people experiencing homelessness. These tools include the Shinn/Greer brief screener for access to prevention services, the Vulnerability Index for Service Provision and Decision-Making Assessment Tool (V.I-S.P.D.A.T.) for access to rapid re-housing services, and the Community Case Review for collaborative problem-solving when the correct resource is not evident or available.
6. **Continuum of Care Planning:** T.J.A.C.H. will act as the lead agency of homelessness, conducting an annual Point in Time homeless census and submitting an annual Housing Inventory Chart. T.J.A.C.H. will track progress made on the goals of the Community Plan to End Homelessness, revising this plan as directed by the T.J.A.C.H. Governance

Board. T.J.A.C.H. will support the operation of the Community Case Review, identifying a convener and anchor agencies willing to work collaboratively on the development of housing stabilization plans for people who have been housed through rapid re-housing services. T.J.A.C.H. will review sub-contractor invoices, collect documentation, establish monitoring protocols and submit monthly invoices to the City for activities conducted under the V.H.S.P.

7. **Administration:** The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to T.J.A.C.H. to support the planning efforts of the Coalition.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (I.M.P.A.C.T.).

Alignment with City Council's Vision and Strategic Plan:

This grant advances the City of Charlottesville's Strategic Plan goal #1 of enhancing the self sufficiency of our residents. Specifically, it will facilitate the objective of increasing affordable housing options. This item primarily aligns with Council's vision for Quality Housing Opportunities for All. Outcomes will demonstrate a coordinated assessment process, individuals and families linked to housing and other resources, and the length of time homelessness was experienced. This grant also fosters the ideals of Community of Mutual Respect and Economic Sustainability by providing services to vulnerable citizens and promoting self-sufficiency.

Budgetary Impact:

This grant will be entirely State, and Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing homelessness: shelter, prevention funds, rapid rehousing, H.M.I.S., and administration.

Attachments:

Sub Grant agreement and amendment are attached.

APPROPRIATION.
Virginia Homelessness Solutions Grant \$477,151.
Housing Opportunities for Persons with AIDS \$186,940.

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of 664,091;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$664,091 is hereby appropriated in the following manner:

Revenues

\$207,324	Fund: 209	IO: 1900268 (VHPS)	G/L: 430110 State Grants
\$269,827	Fund: 209	IO: 1900268 (VHSP)	G/L: 430120 Federal Pass-Thru State
\$190,612	Fund: 209	IO: 1900269 (HOPWA)	G/L: 430120 Federal Pass-Thru State

Expenditures

\$459,941	Fund: 209	IO: 1900268 (VHSP)	G/L: 530550 Contracted Services
\$190,612	Fund: 209	IO: 1900269 (HOPWA)	G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$664,091 in funds from the Virginia Department of Housing and Community Development.

**CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.**



Agenda Date:	September 6, 2016
Action Required:	Vote on Resolution
Staff Contact:	Leslie Beauregard, Assistant City Manager Maurice Jones, City Manager
Presenter:	Suzanne Moomaw, Associate Professor, U.V.A. School of Architecture
Title:	U.V.A. School of Architecture Sponsor Request – Jane Jacobs and the Design of the 21 st Century Symposium “City Work and Equity” Session - \$2,000

Background:

The U.V.A. School of Architecture is requesting **\$2,000** for a session devoted to “City Work and Equity” at the **Jane Jacobs and the Design of the 21st Century Symposium**. Sponsored in partnership with the African American Heritage Center, the funds will be used for the travel and honorarium of one or more speakers who will address economic equity and justice. This session will go beyond Jacobs’ general ideas to a discussion of what this means in smaller and mid-sized cities, particularly with disenfranchised populations. As we consider issues of growth and economic development in Charlottesville, this session will address those issues directly and their impact on low-income individuals and neighborhoods. This session, and the preceding luncheon, will be held at the Jefferson School African American Heritage Center and will be open to the public. In consultation with Dr. Andrea Douglas, we have issued an invitation to a potential speaker.

Discussion:

Jane Jacob’s books, *The Death and Life of Great American Cities* and *The Economy of Cities*, speak to issues we are facing in Charlottesville and many other cities. In particular, the symposium is focusing on the equity and economy in cities. Jacobs calls for a re-thinking of economic activities that support living wages and inclusion. She writes that cities must still “make” things in varying specifications and complexity if they are to provide services and amenities for community members. She believed that small businesses and entrepreneurial activity are key to equitable participation in economic life. Attached is the tentative schedule.

Why this symposium in Charlottesville and who should attend? Jane Jacobs was awarded the 1996 Thomas Jefferson Medal in Architecture and visited our city to accept. She had great affection for the University because her father was an alumnus. While her reach is international, we have a unique relationship with her and her work. All citizens of Charlottesville will be invited to attend and participate in the symposium. There will be no registration or parking costs. The only sessions that will involve a cost are the two luncheons (Friday and Saturday) and The

Rotunda dinner on Friday, November 18. Sessions will be held at the University and the Jefferson School and will include the international Jane Jacobs Walk. Cities around the world are sponsoring these walks to illustrate how Jacobs' principles of density, mixed use and income, and public space are used effectively.

Given the city's efforts on West Main Street and in the Special Improvement District, this symposium will offer our citizens, policymakers, and scholars an opportunity to consider how we build a local economy that includes all our citizens. Partners thus far are the Federal Reserve Bank of Richmond, University of Virginia Schools of Law and Architecture, the African American Heritage Center, and the U.V.A. Community Design Research Center.

Finally, the vision for the session includes several follow-up opportunities to develop action strategies to address economic inequities in Charlottesville.

Community Engagement:

We have worked with the African American Heritage Center on this symposium session.

Alignment with City Council's Vision and Strategic Plan:

Goal 1 speaks to self-sufficiency of all residents, and Goal 2 focuses on a thriving and beautiful community, both of which align with this request in particular when looking at how economic equity and living wages drive success of cities in particular.

Recommendation:

Staff has prepared a resolution that allocates \$2,000 from Council's Strategic Initiative Account should Council choose to fund this request.

Budgetary Impact:

Staff is recommending this come from Council's Strategic Initiatives Account. There is a current available balance of \$336,143 in this account.

Alternatives:

See recommendation.

Attachments:

Jane Jacobs and the Design of the 21st Century Symposium tentative schedule.

RESOLUTION

**U.V.A. School of Architecture Sponsor Request – Jane Jacobs and the Design of the 21st Century Symposium “City Work and Equity” Session.
\$2,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$2,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to the U.V.A. School of Architecture:

\$2,000

Fund: 105

Cost Center: 10110010000

Tentative Schedule.

SYMPOSIUM—THE MODERNITY OF WORK AND PLACE: JANE JACOBS AND THE DESIGN OF THE 21ST CENTURY CITY, NOVEMBER 18-19, 2016, CHARLOTTESVILLE, VIRGINIA

Friday, November 18 (Central Grounds)

Welcome—9:00 am Ila Berman, Dean, School of Architecture, University of Virginia (invited)

9:10 am—Opening Plenary: ***Designing Cities That Work: Scope & Scale***

- Sonia Hirt, Dean, School of Architecture, Planning, & Preservation, University of Maryland
- Roberta Gratz, urban critic and journalist, founder of Center for the Living City with Jane Jacobs

10:40 am Break

11:00 am Symposium Papers

12:30 pm Luncheon: Jefferson School, African American Heritage Center
Speaker: June Manning Thomas, Centennial Professor of Urban and Regional Planning, Taubman College of Architecture and Urban Planning, University of Michigan

2:00 pm Equity and the City (Professor Toni Griffin, Harvard School of Design—invited)

3:45 pm Session Conclusion: Federal Reserve Bank of Richmond

4:00 pm Authors book signing, Hosted by U.V.A. Bookstore

5:30 pm Reception, The Rotunda

6:30 pm Dinner, The Rotunda
Judith Rodin, president of The Rockefeller Foundation (invited)

Saturday, November 19 (Law School)

9:00 am Welcome—Risa Golubuff, Dean, University of Virginia School of Law (invited)

9:10 am Symposium Papers

10:10 am Break

10:30 am Final Plenary: ***Can Cities Govern? A Discussion of Rich Schragger's City Power***

- Michele Wilde Anderson, Professor of Law, Stanford University
- David Imbrosio, Professor, Department of Political Science and Urban Affairs, University of Louisville
- Sheila Foster, University Professor and Co-Director, Urban Law Center, Fordham University
- Richard Schragger, Perre Bowen Professor of Law, University of Virginia School of Law

12:30 pm Closing Luncheon

2:00 pm Jane Jacobs Walk

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**CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.**



Agenda Date:	September 6, 2016
Action Required:	Approval of Resolution
Presenter:	Alex Ikefuna, N.D.S. Director
Staff Contacts:	Alex Ikefuna, N.D.S. Director Brian Daly, Director, Parks and Recreation
Title:	Transfer of Capital Project Funds - Daughters of Zion Cemetery Rehabilitation Project - \$80,000

Background:

The adopted F.Y. 17 Capital Improvements Plan (C.I.P.) included funding for the rehabilitation of the Daughters of Zion Cemetery. The City Council allocated \$80,000 to enable completion of this project, which was originally appropriated into the Strategic Investment Area (S.I.A.) Fund project. The Department of Parks and Recreation would like to use these funds for restoration and rehabilitation of this historic burial ground that is located at the northwest corner of the intersection of Oak Street and South 1st Street. The attached resolution transfers the \$80,000 out of the S.I.A. Fund and into a dedicated account for this project.

Discussion:

According to Preservation Strategies prepared by Liz Sargent and Shelley Sass (March 2016), the Daughters of Zion Cemetery is a historic burial ground and has already been recognized as being significant in the history of the Charlottesville community through listing in the National Register of Historic Places. The Cemetery derives its significance from the association with Daughters of Zion Mutual Aid Society, a Reconstruction-era women's organization that sought to provide a place of dignified burial for the African-American community within the context of a segregated society. The cemetery was established in 1873 and remained active burial ground until 1995. The City's Park and Recreation Department is currently responsible for the maintenance. Overtime, the cemetery has deteriorated; it needs both restoration and rehabilitation in order to maintain and sustain the historic landscape and unique character for the current and next generation.

The proposed restoration and rehabilitation activities would include repair of grave markers, research to determine locations of unmarked graves, landscaping and tree maintenance, research and data collection, and other related activities designed to preserve the historic character of the cemetery.

The City's Departments of Neighborhood Development Services and Parks and Recreation, Office of Human Rights and representatives of the Daughters of Zion (Bernadette Whitsett-Hammond, Maxine Holland, and Edwina St. Rose) have been working collaboratively on the planning and

implementation of the projected, and have developed and executed a Memorandum of Understanding that spelled out responsibilities (attached).

Alignment with City Council’s Vision and Strategic Plan:

The project supports City Council’s Visions of a “Great Place to Live for All of Our Citizens”, “Arts and Culture” and “A Community of Mutual Respect”. It also contributes to the City’s Strategic Plan Goals 2.5: Provide natural and historic resources stewardship; 3.4: Promote diverse cultural tourism; 5.1: Respect and nourish diversity. Essentially restoration of the cemetery would be added impetus to the City’s tourism economy by improving the heritage tourism infrastructure; protecting the natural and historic resources while preserving African-American historic landmark.

Community Engagement:

This project was not specifically presented to the public; however, it was part of the Implementation Framework Action Plan that was presented to, and approved by the City Council at its regular meeting on February 16, 2016.

Budgetary Impact:

The capital projects funds have already been appropriated and this request seeks approval to transfer funds to a designated project account.

Recommendation:

Staff recommends approval of this resolution to transfer funds that were previously allocated to a designated project account.

Alternatives:

The alternative would be not to approve the fund and in this case, there will be no other funding source to enable restoration and rehabilitation of this historic asset in the community. The cemetery would continue to deteriorate to the point that it would no longer meet the threshold to remain on the National Register of Historic Places and could be downgraded and/or removed from the listing.

Attachments:

Executed Memorandum of Understanding

RESOLUTION
Transfer of Funds - Daughters of Zion Cemetery Rehabilitation Project
\$80,000

BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$80,000 is hereby transferred in the following manner:

Transfer From

\$80,000 Fund: 426 WBS Element: P-00818 G/L Account: 599999

Expenditure

\$80,000 Fund: 426 WBS Element: P-00924 G/L Account: 599999

**MEMORANDUM OF AGREEMENT
PRESERVERS OF DAUGHTERS OF ZION CEMETERY AND
THE CITY OF CHARLOTTESVILLE**

I. BACKGROUND

During the FY2017 budget process, the City Council funded a request in the amount of \$80,000 from the Preservers of the Daughters of Zion Cemetery (PDOZC) for work associated with renovations, repairs, research and improvements to the Daughters of Zion Cemetery located at the northwest corner of the intersection of South First and Oak Streets (Cemetery). This funding is part of the City's Capital Improvement Program.

II. PURPOSE

This memorandum shall assign and identify the various responsibilities in the relationship between the City of Charlottesville (City) and the PDOZC for the expenditure of these funds and the work accomplished therein. Both the Departments of Neighborhood Development Services (NDS) and the Department of Parks and Recreation shall be responsible for the fulfillment of this agreement on behalf of the City.

III. GENERAL GUIDELINES

This MOA is intended to establish duties and responsibilities that guide the relationship between the City and PDOZC in the long-term implementation of improvements and management of the Daughters of Zion Cemetery. It shall be a living document, reviewed and updated at routine intervals herein defined.

- Clearly delineated guidelines regarding all decision-making regarding the implementation of this project. The timeline for the expenditure of allotted funds should be outlined;
- Funds will be carried forward from one fiscal year to the next if not fully expended during the fiscal year of appropriation

IV. RESPONSIBILITIES OF THE CITY

The City's Department of Neighborhood Development Services (NDS) shall be responsible for the following activities:

- Approval of all designs and construction activities for historic compliance and acceptability at the Cemetery;
- A written quarterly progress report itemizing funds expended as well as documenting all work performed on the DOZC.

The City's Department of Parks and Recreation (P&R) shall be responsible for the following activities:

- Overall management of the project, project funding, compliance with Virginia purchasing and other administrative regulations.
- Upon the approval and direction of NDS and with concurrence by PDOZC, securing, administration and coordination of all construction, repair, maintenance and development activity at the Cemetery.

- Administration of funds, accounting, asset management and the payment of invoices.
- Approving, securing and managing any and all research including ground penetrating radar, the development of management plans and similar activities at the Cemetery.

V. RESPONSIBILITIES OF PDOZC

The PDOZC shall be responsible for the following activities:

- Identifying a project manager who is experienced in archaeology, historic preservation, and historic cemeteries to serve as a point of contact between the PDOZC and the City when engaged in cemetery ground disturbance. Payment will be from the allotted project funds.
- Seeking the immediate repair of tombstones, prioritizing those in greatest need, along with erosion treatment and prevention. Individuals with such specialized skill will be identified to perform such work.
- Providing a design plan that includes the services of a design planner to ensure the restoration/preservation of the DOZC adheres to the Secretary of the Interior's standard set forth for historical cemeteries.
- Identifying a ground penetrating specialist to initially examine the northeast corridor of the DOZC to determine whether or not graves may be located there.
- Generating funds to support the establishment of a Perpetual Fund for the DOZC.
- Selecting an appropriate enclosure for the DOZC as a means of protecting and highlighting this sacred historical ground.
- Serving as the sole point of contact for inquiry and issue resolution involving the DOZC.
- Providing a listing of requested actions to be taken to include a scope of work summary, potential vendors to accomplish the task and a rank order of preferred sequence of the tasks to be undertaken within the Cemetery Property.

This document shall be public record. The parties agree to meet on a regular and routine basis to accomplish the work at hand, monitor the expenditure of funds and coordinate activity.

VI. ROUTINE REVIEW AND REFINEMENT

Review and amendment or modification of this agreement shall take place under one or more of the following circumstances:

- At intervals of not less than one (1) year;
- At the mutual agreement of both parties;
- This agreement may also be terminated at any time upon 30 days' notice by either party to the other with or without cause and for any reason. Written notice to any member of the PDOZC by hand delivery shall constitute sufficient notice.

VII. MISCELLANEOUS PROVISIONS

Neither PDOZC, nor its agents, shall be deemed employees or agents of the City by virtue of this Memorandum or the relationship established hereby. PDOZC shall have sole responsibility for their members, including their work, decisions, direction and personal conduct.

The City is not responsible for any actions or decisions taken by the PDOZC and that any liability, loss, claim, suit, damage, charge or expense which any member of the PDOZC may individually suffer, sustain,

incur or in any way be subjected to, on account of, or resulting from, or is in any way connected with actions taken during this partnership shall not create any liability on the part of the City.

In the event that any term, provision or condition of the Memorandum, or the application thereof to any person or circumstances, shall be held by a court of competent of jurisdiction to be invalid or unenforceable, the remainder of this memorandum, and the application of any term, provision or condition contained herein to any person or circumstances other than those to which it has been held invalid or unenforceable, shall not be affected thereby.

This Memorandum represents the entire agreement between the parties, and there are no other agreements or understandings between the parties, either verbal or written, which have not been incorporated herein.

Agreed Upon and Accepted by:

Preservers of the Daughters of Zion Cemetery

Signature: Maryje Holland
Bernadette Whitell-Hammond Date: 8/9/16
Edna L. Rose
Title: Preservers of the Daughters of Zion Cemetery

Charlottesville Department of Neighborhood Development Services

Signature: [Signature] Date: 8/11/16
Title: NDS Director

Charlottesville Department of Parks and Recreation

Signature: [Signature] Date: 8-9-2016
Title: DIRECTOR, PARKS & RECREATION

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 6, 2016
Action Required:	Approve Resolution
Presenter:	Tierra Howard, Grants Coordinator
Staff Contacts:	Tierra Howard, Grants Coordinator
Title:	Sub Recipient Repayment of CDBG Funds - \$1,000

Background:

In spring 2016, City staff conducted an annual Community Development Block Grant (CDBG) program monitoring for FY 15-16 projects and open FY 14-15 projects. On April 21, 2016, City staff conducted a monitoring of the Charlottesville Abundant Life Ministries CDBG IDA Match project from FY 14-15. Based on that review, staff determined that \$1,000 in public services funds were expended on ineligible costs.

Discussion:

As a result of the monitoring visit, CALM returned \$1,000 to the City on August 12, 2016. The funds will be returned and reprogrammed for eligible projects.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda items aligns indirectly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns indirectly with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options. While the previous use of CDBG funds was for economic development purposes, the continued viability of the CDBG program (overall) is important to the City’s affordable housing efforts.

Community Engagement:

There has not been any community engagement on this matter; however, the CDBG Task Force will be consulted on future use of reprogrammed funds.

Budgetary Impact:

The City of Charlottesville will be able to reprogram the \$1,000 into future CDBG projects. In essence, the City is required by regulation to spend the repayment on eligible activities.

Recommendation:

Staff recommends approval of the attached resolution, as continued viability of the CDBG program is important to the City's affordable housing efforts overall.

Alternatives:

There are no viable alternatives to the repayment of funds as requested by the City.

Attachments:

Resolution

RESOLUTION
Community Development Block Grant (CDBG) Repayment to the U.S. Department of
Housing and Urban Development
\$1,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$1,000 from previously appropriated funds to the CDBG Charlottesville Abundant Life Ministries project of 14-15 for repayment of CDBG funds to HUD.

Revenue:

\$1,000 Fund: 218 WBS: P-00001-02-67 G/L: 451050 Refund Prior Yr. Exp.

Expense:

\$1,000 Fund: 218 WBS: P-00001-02-67 G/L: 540368 Refund Disallowed

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date: September 6, 2016

Action Required: Vote on resolution

Presenter: Chris Engel, CEcD, Director of Economic Development

Staff Contacts: Chris Engel, CEcD, Director of Economic Development

Title: **Support for GO Virginia**

Background & Discussion: Virginia Initiative for Growth and Opportunity (GO Virginia) was initiated to encourage collaboration on private-sector growth and job creation by business, education, and government in each region of the commonwealth. The focus of the effort is the creation of state financial incentives, technical support, and other assistance that will encourage regional collaboration between local governments, higher education and the private-sector.

Legislation enacting this program was passed during the 2016 General Assembly session and initial funding for planning purposes has been approved. Guidelines will be developed to implement the legislation by October 15, 2016 and with these guidelines will come the regional designations for each locality. It is expected that Planning Districts 9 (Rappahanock-Rapidan) and 10 (Thomas Jefferson) will be combined to serve as one of the defined regions for implementation of GO Virginia. If that is the case a lead organization will need to be identified to manage the process and serve as primary contact with the state. The Central Virginia Partnership for Economic Development has expressed interest in doing this and has the support of its board and the two area planning district commission executive directors.

The attached resolution supports the GO Virginia initiative to strengthen Virginia's economy in each region and, supports the Central Virginia Partnership for Economic Development as the lead organization for GO Virginia in our region.

Community Engagement: N/A

Alignment with City Council's Vision and Priority Areas: This agenda item aligns with Council's vision for Economic Sustainability. It also addresses two goals in the City's Strategic Plan that were recently adopted by Council: Goal 1: Enhance self-sufficiency of residents, and Goal 3: Have a strong and diversified economy.

Budgetary Impact: There is no budget impact or request associated with this update.

Recommendation: Approve resolution

Attachments: Resolution
Letter to Mayor Signer regarding GO Virginia

RESOLUTION OF SUPPORT
Virginia Initiative for Growth & Opportunity
GO Virginia

WHEREAS, the Virginia Initiative for Growth and Opportunity (GO Virginia) was initiated to encourage collaboration on private-sector growth and job creation by business, education, and government in each region; and

WHEREAS, the GO Virginia coalition's work is guided by three main points: (1) Virginia urgently needs strong private-sector growth; (2) Growth in Virginia's diverse regions requires collaboration; and (3) State government must be a catalyst and partner; and

WHEREAS, GO Virginia supports a voluntary, incentive-based approach as the best way to encourage regional cooperation on private-sector growth; and

WHEREAS, the General Assembly has approved \$35.95 million for GO! Grants, enacted legislation effective on July 1, 2016 and directed that guidelines be developed to implement the legislation by October 15, 2016; and

WHEREAS, as a regional economic development organization, the Central Virginia Partnership for Economic Development's main focus – fostering collaboration to promote economic growth and job creation in the region – aligns exactly with the GO Virginia initiative; and

WHEREAS, the Partnership has led a successful collaboration of public, private and educational stakeholders for two decades and is uniquely positioned to foster the regional cooperation required to successfully execute GO Virginia; and

WHEREAS, the Charlottesville City Council agrees that the success and sustainability of Virginia's economic future depends on strong private-sector growth and supports state policies that encourage business, education, and local government to work together to create jobs and achieve shared economic development goals; and

WHEREAS, it is anticipated that Planning Districts 9 and 10 will be combined to serve as a single region for the GO Virginia program and both Planning District Commission Directors have agreed to be integrally involved in supporting the Partnership in this endeavor;

NOW, THEREFORE BE IT RESOLVED, that the Charlottesville City Council supports the GO Virginia initiative to strengthen Virginia's economy in each region and, in the event that Planning Districts 9 and 10 are combined to serve as one of the defined regions for implementation of GO Virginia, supports the Central Virginia Partnership for Economic Development as the lead organization for GO Virginia in our region.



2211 Hydraulic Road, Suite 104
Charlottesville, VA 22901
434.979.5610

July 18, 2016

The Honorable Mike Signer
Mayor
City of Charlottesville
PO Box 911
Charlottesville, VA 22902

Dear Mike:

The Central Virginia Partnership for Economic Development (Partnership) is a nonprofit, public/private partnership of businesses, higher education institutions, and local governments. The organization serves as the regional economic development organization for all of Planning District 10 (Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson) and for 3 of 5 counties in Planning District 9 (Counties of Culpeper, Madison and Orange).

Over the past several months, the Partnership's Board has taken an active interest in the GO Virginia initiative. On December 18, 2015, Frank Atkinson, Chairman of McGuireWoods Consulting, gave an overview presentation to the Board and facilitated discussion on how our region could prepare to take advantage of the initiative. This year, the Board unanimously approved the attached resolution of support for GO Virginia on February 19. Chris Lloyd, Senior Vice President of McGuireWoods Consulting, gave an update to the Partnership Board on the legislation and potential next steps on April 22.

At the Partnership's 20th Anniversary Celebration and Annual Meeting on June 24, the Partnership Board adopted the recommendation of its GO Virginia Planning Team. Assuming that Planning Districts 9 and 10 are combined into one GO Virginia region, the Board has requested to serve as the lead organization for GO Virginia and, with required Board modifications, its Regional Council. The Thomas Jefferson Planning District Commission and the Rappahannock-Rapidan Regional Commission will provide regional planning coordination with the Regional Council and each Planning District Commission will have a seat on the Regional Council. The remaining seats on the Council will be determined once the guidelines are released in October.

We are writing to request that the Charlottesville City Council supports the Central Virginia Partnership as the lead organization for GO Virginia should Planning Districts 9 and 10 be combined. As a regional economic development organization, the Partnership's main focus – fostering collaboration to promote economic growth and job creation in the region – aligns exactly with the GO Virginia initiative. The Partnership has led a successful collaboration of public, private and educational stakeholders for two decades and is uniquely positioned to foster the regional cooperation required to successfully executive GO Virginia.

We are glad to answer any questions and look forward to partnering with the City of Charlottesville to make GO Virginia in our region a success.

Best regards,

Helen Cauthen
President
Central Virginia Partnership
for Economic Development

Chip Boyles
Executive Director
Thomas Jefferson Planning
District Commission

Patrick Mauney
Executive Director
Rappahannock-Rapidan
Regional Commission

cc: Maurice Jones, Chris Engel



RESOLUTION OF SUPPORT
Virginia Initiative for Growth & Opportunity
GO Virginia

WHEREAS, the Virginia Initiative for Growth and Opportunity in Each Region (GO Virginia) was initiated to encourage collaboration on private-sector growth and job creation by business, education, and government in each region; and

WHEREAS, the GO Virginia coalition's work is guided by three main points: (1) Virginia urgently needs strong private-sector growth; (2) Growth in Virginia's diverse regions requires collaboration; and (3) State government must be a catalyst and partner; and

WHEREAS, GO Virginia supports a voluntary, incentive-based approach as the best way to encourage regional cooperation on private-sector growth; and

WHEREAS, Governor Terry McAuliffe on December 17, 2015 announced his proposed Fiscal Years 2017-2018 state budget that included \$38.9 million in funding for the Growth and Opportunity Grants for GO Virginia; and

WHEREAS, the Central Virginia Partnership for Economic Development's mission is to foster job creation and increase capital investment in the region. And, to achieve this mission, the Partnership collaborates with business, nine localities (the Counties of Albemarle, Culpeper, Fluvanna, Greene, Louisa Madison, Nelson and Orange and the City of Charlottesville), and higher education (University of Virginia, Piedmont Virginia Community College, and Germanna Community College); and

WHEREAS, the Partnership agrees that the success and sustainability of Virginia's economic future depends on strong private-sector growth and supports state policies that encourage business, education, and local government to work together to create jobs and achieve shared economic development goals.

THEREFORE BE IT RESOLVED, that the Central Virginia Partnership for Economic Development supports the GO Virginia initiative to strengthen Virginia's economy in each region.

Adopted the 19th day of February, 2016 by the Board of Directors of the Central Virginia Partnership for Economic Development being duly assembled.

ATTESTED:

A handwritten signature in black ink, appearing to read "S.M. Nichols", is written over a horizontal line.

Steve M. Nichols
Chairman
Central Virginia Partnership for
Economic Development

CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	September 6, 2016
Action Required:	Adoption of Resolution
Presenter:	Mike Mollica, Division Manager, Facilities Development
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development Ryan Davidson, Senior Budget & Management Analyst, Budget and Performance Management
Title:	Fund Transfer to Facilities Capital Projects Lump Sum Account for the C.A.T.E.C. Chiller Replacement Project - \$144,700

Background: The City of Charlottesville’s Facilities Development Division, in coordination with Facilities Maintenance, is overseeing the C.A.T.E.C. Chiller Replacement Project. The existing H.V.A.C. chiller, which is now operating beyond its anticipated useful life, was recently operating on only one of two compressors. To avoid complete failure, immediate repairs were made to keep the chiller operational through this summer and fall’s cooling seasons, but the chiller needs to be replaced before complete failure.

Discussion: This request is to consolidate funds into one project account as required by City policy #200-09, which requires all phases of a project to use the same project account from start to finish. The request, if approved by Council, would transfer \$144,700 from the 2014 C.A.T.E.C. Land Take Funds Account (P-00845) – a line-item account created, at the time, for future C.A.T.E.C. related project(s) – into the Facilities Capital Projects Lump Sum Account for the C.A.T.E.C. Chiller Replacement Project (P-00922).

Alignment with Council Vision Areas and Strategic Plan: This project supports City Council’s “Smart, Citizen-Focus Government” vision. It contributes to Goal 4 of the Strategic Plan, to “be a well-managed and successful organization,” and objective 4.1, to “align resources with City’s strategic plan”.

Community Engagement: N/A

Budgetary Impact: The funds to be transferred and consolidated were all previously appropriated by City Council.

Recommendation: Staff recommends approval of this resolution.

Alternatives: N/A

Attachments: N/A

RESOLUTION

Fund Transfer to Facilities Capital Projects Lump Sum Account for the C.A.T.E.C. Chiller Replacement Project - \$144,700

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

Transfer From

\$144,700 Fund: 426 WBS: P-00845 G/L Account: 599999

Transfer To

\$144,700 Fund: 426 WBS: CP-017/P-00922 G/L Account: 599999

Revenue

\$144,700 Fund: 426 WBS: CP-017/P-00922 G/L Account: 498010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of reimbursement from Albemarle County; and that any future capital project reimbursements from Albemarle County, above what was originally appropriated, shall automatically appropriate upon receipt of funds.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 6, 2016
Action Required:	Resolution
Presenters:	Mayor Mike Signer
Staff Contacts:	Maurice Jones, City Manager Diane Kuknyo, Director of Social Services
Title:	Online Voter Registration Assistance

Background:

Congress enacted the National Voter Registration Act (also known as the "NVRA" and the "Motor Voter Act") in 1993 to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration.

Section 7 of the Act requires states to offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. Each applicant for any of these services, renewal of services, or address changes must be provided with a voter registration form or a declination form as well as assistance in completing the form and forwarding the completed application to the appropriate state or local election official.

Discussion:

Currently the City of Charlottesville's Department of Social Services offers assistance to those interested in registering to vote by providing paper copies of our registration forms. They will also file the forms with our Voter Registration Office after a client has completed their registration.

The attached resolution would also require social services employees, who currently provide this service, to also offer assistance with online registration. The City's plan is to provide access to the Voter Registration web site on the public computers in Social Services. **If a prospective voter does not have a Virginia issued driver's license or state identification card, the online application must be printed, signed, and turned into the City's Office of Voter Registration.**

Alignment with Council Vision Areas and Strategic Plan:

Smart, Citizen-Focused Government

The delivery of quality services is at the heart of Charlottesville's social compact with its citizens. Charlottesville's approach to customer service ensures that we have safe neighborhoods, strong schools, and a clean environment. We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and active citizen involvement. Citizens feel listened to and are easily able to find an appropriate forum to respectfully express their concerns

Community Engagement:

There has not been direct community engagement on this issue.

Budgetary Impact:

The staff in Social Services will be required to undergo minimal training to prepare them for this effort. At this point we do not believe new funding will be necessary to provide the necessary training.

Alternatives:

Council could vote against the resolution.

Attachments:

City Council Online Voter Registration Assistance Resolution

RESOLUTION
City Council Online Voter Registration Assistance

Whereas, we should do everything we can to assist City of Charlottesville citizens to register and vote, and;

Whereas, at present, the National Voter Registration Act (NVRA) mandates agencies such as the Department of Social Services, Department of Health, and the Community Services Board, to offer customers an opportunity to register to vote' and;

Whereas, currently, NVRA agencies use a paper voter registration application, which the applicant must take with them, fill out and mail in, or fill out there and leave to be submitted to the Elections Office., and;

Whereas, anyone who holds a Virginia driver's license or a Department of Motor Vehicles issued photo identification card can register or update their voter registration online via the Department of Elections website, and;

Whereas, due to online voter registration (OVR), we have an opportunity in the City of Charlottesville to streamline, expand access to, and increase the efficiency of voter registration, and;

Whereas, we can do this by expanding access to online voter registration through agencies that are currently required to provide voter registration services under the NVRA, and;

Whereas, the benefits of online voter registration are notable, OVR reduces voter registration errors because the voter enters the information directly into the system and receives instantaneous prompts to correct or fill-in missing information.

Therefore, be it resolved that the City Council request every NVRA mandated agency and office in the City of Charlottesville's government that has an information desk, an intake desk or other public serving desk, and has a computer with Internet access easily available for public use, to make it available for voter registration. Additionally, we request that these agencies ask all clients or applicants if they have an interest in registering to vote, and;

Be it also resolved, that the Office of Voter Registration work collaboratively with the City's Office of Communications to develop an information sheet for participating agencies.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 15, 2016
Action Required:	Ordinance: Two Readings and Adoption
Presenter:	Lisa Robertson, Chief Deputy City Attorney
Staff Contacts:	Lisa Robertson
Title:	Zoning Text Amendment ZT-16-0002: Telecommunications Facilities

Background:

Previously, by resolution, City Council initiated this zoning text amendment (ZT-16-0002) at the behest of attorneys for attorneys for wireless telecommunications service providers. The attorneys requested several changes to zoning ordinance provisions that regulate “telecommunications facilities” set forth within City Code Chapter 34 (Zoning). The requested changes that have been received over the course of the past couple of years may be summarized as: **(i)** deletion of the provision that prohibits antennas on buildings that are less than 40 feet tall; **(ii)** allowance of microcells throughout the city, and **(iii)** a request to allow a specific type of support structure (an “alternative tower”) in every zoning district. Additionally, our ordinance has not been updated since 2003. Federal law, and communications technologies, have changed significantly during that time, and the terminology and application review procedures contained in the City Code are outdated. This proposed amendment will serve as the “code audit” for this portion of the City’s zoning ordinance.

On July 12, 2016, following a joint public hearing with City Council, the Planning Commission recommended approval of ZT-16-0002 as presented, with two recommended additions: **(1)** no part of any antenna/ attachment device may be lower than the level of the floor of the second story of the building to which the antenna is attached, or 15 feet, whichever is greater, and **(2)** if an “appurtenance” is used as an attachment structure, then no part of an antenna/ attachment device may project above the top of the appurtenance. The attached ordinance reflects the

amendments previously initiated by City Council, with the **Planning Commission's recommended additions highlighted in yellow** within **Sec. 34-1074 of the proposed ordinance**.

Discussion:

(i) Our office and the Planning Commission **do recommend** that you **should remove the 40-foot limitation** on the height of an attachment structure. Although variations of this type of restriction can be found in other localities' ordinances, we have been unable to locate any staff with an institutional memory (or current opinion) as to the land use objectives furthered by the restriction of the height of the attachment structure itself. Instead, the Planning Commission's recommendation is to substitute a regulation of the height at which an antenna can be mounted on a building; their discussion included reference to a desire to protect the street-level pedestrian experience. Some of the more recent technologies (e.g., deployment of broadband services) utilize smaller antennas/ cells, mounted closer to ground level, at regular intervals. The proposed amendments, as recommended by the Planning Commission, will allow these type of technologies to be effectively installed.

(ii) We **do not recommend adding special provisions for microcells**, and the proposed amendments delete references to any specific type or form of antennas (such as "whips", "panels" and "discs", *see* proposed amended definition of "antenna", sec. 34-1200). The proposed amendments update the current definition of "antenna" to encompass a broad range of technologies, and then, within use matrices and substantive regulations, focus the regulations on siting issues and historic district impacts of communications facilities, of any nature. We also **do recommend that** the provisions of **34-1073 (facilities by district) should be modified** to avoid repeating references to uses allowed by the use matrices in *all* zoning districts (*i.e., attached facilities (i) mounted on utility poles, and (ii) mounted on other support structures, not visible*).

(iii) We **do not recommend permitting "alternative towers" within any zoning district**, at least not as that term is currently defined. If you'd like to offer providers an option for installing disguised freestanding structures, built solely for the purpose of supporting an antenna (for example: a monopole and antenna array disguised to look like a tree), then, at your option, the "alternative tower" definition can be revised to clarify that. The Planning Commission's discussion included comments expressing a desire not to enact a regulation that might inadvertently encourage a lot of false structures/ false facades to be constructed throughout the city, and they decided that this issue requires more study as to how this type of tower might be implemented in an urban setting, if that becomes necessary.

(iv) We **do recommend** substantially **editing** the sections governing the permitting and approval processes, **to reflect requirements of federal law**.

Alignment with Council Vision Areas and Strategic Plan:

The changes reflected in the attached proposed ordinance align with City Council’s vision to be a great place for all citizens to live (be a leader in innovation, flexible and progressive in anticipating needs of citizens); to achieve economic sustainability (access to broadband internet services is widely recognized as necessary for a business-friendly environment and small-business opportunities);

Community Engagement:

The proposed zoning text amendments have been the subject of a joint public hearing conducted on July 12, 2016 after notice as required by law. Also, prior to your initiation of ZT-16-0002, attorneys for the service providers were given an opportunity to review the proposed ordinance and to comment on the proposed provisions.

Budgetary Impact:

No budgetary impacts are anticipated.

Recommendation:

The City Attorney’s Office recommends that Council adopt the attached Ordinance.

Alternatives:

City Council may decline to move forward with the proposed text amendment, and (i) may, by motion, defer further consideration of the ordinance until a later date, or (ii) may, by motion, vote to deny (reject) the text amendments.

Attachments:

- (1) Proposed Ordinance

**ORDINANCE
AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO UPDATE REGULATIONS SET FORTH WITHIN ARTICLE IX (GENERAL REGULATIONS), DIVISION 5 (TELECOMMUNICATIONS FACILITIES) TO COMPLY WITH REQUIREMENTS OF FEDERAL LAW AND TO MODIFY THE HEIGHT REQUIREMENTS APPLICABLE TO ATTACHED FACILITIES**

WHEREAS, by resolution City Council initiated this zoning text amendment; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held jointly by the Planning Commission and City Council on July 12, 2016, after notice to the public and to adjacent property owners as required by law, and following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment as presented, with two additions; and

WHEREAS, after consideration of the Planning Commission’s recommendation, this Council is of the opinion that that the proposed zoning text amendment has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the proposed zoning text amendment, and (ii) the proposed zoning text amendment is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

1. Sec. 34-420 (Use matrix—Residential districts) of Article III (Residential Districts), Sec. 34-480 (Use matrix—Commercial districts) of Article IV (Commercial Districts), and Sec. 34-796 (Use matrix—Mixed use corridor districts) of Article VI (Mixed Use Districts), of Chapter 34 (Zoning), are hereby amended and re-enacted, to incorporate the following changes in the columns titled “Use Types”:

<i>Use Types....</i>
NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL
Communications facilities and towers:
Antennae or microcells mounted on existing towers established prior to 02/20/01
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure

Attached facilities not visible from any adjacent street or property
Attached facilities visible from an adjacent street or property
<u>Carrier on Wheels (COW)*</u> [*Note: Insert “P” in all Commercial district columns for this use]
<u>Towers</u> Alternative tower support structures
Monopole tower support structures
Guyed tower support structures
Lattice tower support structures
Self-supporting tower support structures

2. Chapter 34 (Zoning), Article IX (General Regulations), Division 5 (Telecommunications Facilities), is hereby amended and re-enacted, as follows:

Sec. 34-1070. Purpose and intent.

The purpose and intent of this division is to provide regulations that will serve the interests of the public necessity, convenience, general welfare and good zoning practice, by ensuring that residents, businesses and public safety operations within the City of Charlottesville have reliable and convenient access to communications networks, while also ensuring a convenient, attractive and harmonious community; protection against destruction of or encroachment upon historic areas; and encouragement of economic development. The provisions of this division are also intended to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, including, without limitation, Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012. establish guidelines for the siting of communications towers and personal wireless service facilities. The goals of this division are to:

- ~~(1) Allow for a range of locations for communications towers and personal wireless service facilities, subject to clear buffering and safety standards.~~
- ~~(2) Encourage the joint use of new and existing support structures, and minimize the total number of communications towers and personal wireless service facilities throughout the community.~~
- ~~(3) Encourage users of communications towers and personal wireless service facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.~~
- ~~(4) Minimize adverse visual impacts of towers and antenna through careful design, siting, landscaping screening and innovative camouflaging techniques.~~
- ~~(5) Encourage users of communications towers and personal wireless service facilities to configure them in a way that minimizes adverse visual impact;~~
- ~~(6) Promote compatibility of communications towers and personal wireless service facilities with surrounding land uses, and protect the attractiveness, health, safety, general welfare and property values of the community.~~
- ~~(7) Avoid potential damage to adjacent properties from tower failure through responsible engineering practices and careful siting of tower structures.~~
- ~~(8) Minimize traffic impacts on surrounding residential areas.~~

- ~~(9) Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single use towers.~~

Sec. 34-1071. Definitions.

For definitions of special terms utilized within this division, refer to Article X (Definitions), section 34-1200.

Sec. 34-1072. Nonconforming facilities Applicability.

- (a) Communications facilities that were legally permitted on or before the date this ordinance was enacted, but which do not conform to current zoning regulations, shall be considered lawful, nonconforming uses. A communications facility or tower that was completely constructed on a site prior to February 20, 2001, in any zoning district, shall be considered a conforming use.
- (b) A collocation shall not be construed as an expansion, enlargement or increase in intensity of an existing nonconforming tower or base station, provided that the collocation does not involve any Substantial Change. A communications facility, in any zoning district, which has received city approval in the form of either a building permit, site plan approval or special use permit, but which has not yet been constructed or placed into operation on February 20, 2001, shall be considered an existing, conforming use if the building permit, site plan approval or special use permit remains valid, and has not expired.
- (c) City Council may, by special use permit, authorize a Substantial Change of a nonconforming tower or base station. Placement of an attached communications facility on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure.
- ~~(d) The requirements of this division shall supersede conflicting requirements contained in other city zoning or site plan ordinances regarding the siting and permitting of communications facilities.~~

Sec. 34-1073. Design control Facilities by districts.

- (a) Within the city's historic and entrance corridor overlay districts attached communications facilities that are visible from any adjacent street or property are prohibited; provided, however, that by special use permit, City Council may authorize such facilities on a specific lot.
- (1) The following shall be permitted uses: antennae or microcells mounted on existing communications towers established prior to February 20, 2001; attached communications facilities utilizing utility poles or other electric transmission facilities as the attachment structure; and other attached communications facilities if such other attached communications facilities are not visible from any adjacent street or property.
- (2) The following shall be prohibited uses: attached communications facilities where such facilities are visible from any adjacent street or property, and communications facilities utilizing alternative tower, monopole tower, guyed tower, lattice tower and self-supporting tower support structures.
- (b) In the event of a conflict between the provisions of this section and the provisions of the use matrix for any applicable zoning district, the provisions of this section shall govern.
- ~~(b) Within other zoning districts of the city, the permitted communications facilities are identified within the use matrix for the applicable districts. Facilities other than those identified within the use matrix for a particular district shall be prohibited.~~

Sec. 34-1074. Height; measurement of changes.

- (a) Where attached communications facilities are permitted within a zoning district, ~~the attachment structure shall be at least forty (40) feet in height, and~~ the total height of the communications facility (including the attachment structure, antenna and any attachment device(s)) shall not be more than twenty (20) feet greater than the original height of the attachment structure, and:
- (1) no part of any antenna or attachment device shall be lower than (i) the level of the floor of the second story of the building that serves as the attachment structure, or (ii) fifteen (15) feet measured from grade level, whichever is greater; and
- (2) in cases where an appurtenance (as defined in City Code Sec. 34-1200) is utilized as an attachment structure, no part of any antenna or attachment device may project above the top of the appurtenance.
- (b) The following ~~height~~-restrictions shall apply to freestanding communications facilities, wherever located:
- (1) Where a support structure is used by and for a single ~~antenna communications facility~~, maximum height shall not exceed seventy (70) feet.
- (2) Where a support structure is used by and for two (2) co-located ~~antennas communications facilities~~, then maximum height shall not exceed one hundred (100) feet.
- (3) Where a support structure is used by and for three (3) or more co-located ~~antennas communications facilities~~, then maximum height shall not exceed one hundred fifty (150) feet.
- (4) The height of a freestanding communications facility shall be determined by the number of antennas for which binding commitments can be demonstrated at the time of approval. No freestanding communications facility shall be permitted to be constructed when the number of antennas that may be installed on it is speculative at the time of any approval.
- (c) ~~By special use permit, City Council may modify Any communications facility that exceeds the height restrictions or dimensions allowed by right under paragraphs (a) or (b)(1)-(3), above, shall require a special use permit.~~
- (d) When an application involves or proposes a change in the height of any communications facility, the change in height will be measured from the original support structure, in cases where deployments are or will be separated horizontally (such as on the rooftop of a building); in other circumstances, changes in height will be measured from the dimensions of the tower or base station—inclusive of originally-approved appurtenances and any modifications that were approved prior to the passage of the federal Spectrum Act (P.L. 112-96, signed February 22, 2012).

Sec. 34-1075. Setback requirements.

- (a) All communications facilities shall comply with the minimum setback and yard requirements of the zoning district in which they are located.
- (b) ~~Each tower and base station Support structures shall be set back from all property lines a distance equal to its engineered fall zone for freestanding communications facilities shall be located on a lot in such a manner that, in the event of collapse, the structure and supporting devices shall be contained within the confines of the property lines.~~
- (c) No above-ground portion of any freestanding communications facility shall project into a required setback more than the maximum projection permitted in the zoning districts in which the facility or antenna is located. Any communications facility that projects over a public right-of-way shall have a

minimum clearance of sixteen feet six inches, and is subject to city council's approval of a right-of-way use agreement for the facility itself, or for the structure to which it is attached.

- (d) Where ~~alternative tower~~, monopole tower, lattice tower or other self-supporting tower support structures are permitted, either by right or by special use permit:
 - (1) The communications facility shall be set back from any existing residence, residentially-zoned property, public street or other public property, a distance of at least the height of the PWSF or communications facility, but in no event less than one hundred (100) feet.
- (e) By special use permit, City Council may modify the requirements of paragraphs (a) or (b).

Sec. 34-1076. Separation requirements.

- (a) Freestanding communications facilities shall conform to the following separation requirements (i.e., minimum distance from the nearest established freestanding communications facility):

<u>Structure Facility Height</u>	Minimum Separation Requirement
<50 feet	300 feet
50—100 feet	500 feet
101—150 feet	750 feet

- ~~(b) Alternative tower structures, and attached communications facilities, shall be exempt from the provisions of section (a), above.~~
- ~~(c) (b)~~ When a freestanding communications facility is located on a lot site containing one (1) or more ~~other buildings principal uses or other uses~~, the minimum distance between the facility tower support structure and any principal other building or principal use located on the same lot site shall be the greater of twenty (20) percent of the height of the facility communications facility, or twenty-five (25) feet.

Sec. 34-1077. Screening and landscaping.

- (a) Landscaping shall be used at ground level to screen the view of towers and base stations freestanding communications facilities from adjacent public streets and public property, and from adjacent residentially-zoned property and ~~adjacent~~ residences. The minimum landscaping requirements shall be as follows:
 - (1) For towers and base stations facilities one hundred fifty (150) feet in height or less, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five (5) feet apart within ten (10) feet of the perimeter of the required setback area.
 - (2) For towers and base stations more than one hundred fifty (150) feet in height, in addition to the requirements set forth in subsection (a)(1), above, at least one (1) row of deciduous trees, with a minimum caliper of two and one-half (2½) inches at the time of planting, and spaced not more than forty (40) feet apart, shall be provided within twenty (20) feet of the perimeter of the required setback area.
 - (3) All security fencing shall be screened from view.
- (b) Landscaping materials shall consist of drought-resistant native species.

- (c) Landscaping materials shall be maintained by the owner and operator of the lot on which the support structure is constructed or installed, for the life of the support structure installation.
- (d) Existing vegetation on the site shall be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the director of neighborhood development services or his designee finds that they achieve the same degree of screening as the required shrubs or trees.
- (e) The requirements of this section shall not apply to an existing building that serves as the support for an antenna, but they shall apply to any related equipment and shelters placed on the ground adjacent to such buildings.

Sec. 34-1078. Lighting and security fencing.

- (a) No communications facility shall be artificially lighted, except for:
 - (1) Security and safety lighting of equipment and shelters buildings, if such lighting is appropriately down-shielded to keep light within the boundaries of the site.
 - (2) Such lighting as may be required by the FAA, FCC or other applicable governmental authority, installed in such a manner as to minimize impacts on adjacent residences. Where the FAA or FCC requires lighting "dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA or FCC guidelines.
- (b) Security fencing shall be required around the perimeter of towers and base stations (but not for existing buildings that serve as the support for an antenna) ~~support structures and any accessory utility structures associated with freestanding communications facilities~~, in accordance with the following minimum requirements:
 - (1) Security fencing shall be maintained by the owner and operator(s) of the communications facility, for the life of the facility. Security fencing shall be constructed of decay-resistant materials, and shall be not less than six (6) feet in height.
 - (2) Security fencing shall be equipped with anti-climbing devices.
 - (3) When a For alternative tower structures where the support structure is secured so that the public cannot access any component of a wireless facility the antenna array, equipment shelter and other apparatus for a PWSF or other communications facility, security fencing shall not be required.

Sec. 34-1079. Signs and advertising.

- (a) No sign(s) shall be permitted on any communications facility, except as may be required for public safety purposes, or as required by the FAA or FCC.
- (b) No materials or markings containing any advertising or advertisement shall be permitted on any communications facility.

Sec. 34-1080. Visibility and placement.

- (a) Attached communications facilities that are permitted to be visible from adjacent streets or properties shall comply with the following standards requirements as to visibility and placement:
 - (1) ~~Where~~ Such facilities ~~are visible from adjacent properties, or from public rights of way, they shall be designed and located so as to blend in with the existing support structure. The facilities shall be attached to the support structure to the maximum extent feasible, through measures such as placement~~ in the least visible location that which is consistent with proper functioning

~~of the communications equipment, and~~ The colors of the facility and the attachment structure will be coordinated, and use of compatible or neutral colors shall be utilized.

- (2) Where such facilities are visible to adjacent residences, but have a visual impact that cannot reasonably be mitigated by placement and color solutions, the facilities shall be screened by planted materials or building appurtenances, to an extent that they are not readily apparent to the occupants of the adjacent residence ~~from view or concealed~~.
 - (3) Antennas and any supporting electrical and mechanical equipment shall be of a neutral color that is compatible with the color of the attachment structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- (b) Attached communications facilities that are permitted only if not visible from adjacent streets or properties shall comply with the following standards:
- (1) Such facilities must be concealed by an architectural feature or lawful appurtenance of the support structure, provided that ground-level equipment may be concealed by landscape screening.
 - (2) The concealment referenced in (b)(1), above, shall be provided to such an extent that the communications facilities cannot be distinguished from the architectural feature, appurtenance, or landscape plantings used to conceal them.
 - (3) Within a design control district, any exterior construction, reconstruction, and alteration proposed for the purpose of providing concealment for any component of a communications facility requires a certificate of appropriateness.
- (c) In addition to the requirements of paragraphs (a) and (b), above:
- (1) ~~Portions of towers and base stations that extend~~ All support structures shall be of a galvanized finish, or painted gray, above a the surrounding treeline or built environment shall be painted gray or shall have a galvanized finish. Below the surrounding treeline such facilities support structures shall be painted gray or green. ~~Below ; or, below~~ the line of the surrounding built environment, such facilities structures shall be painted in a neutral color that ~~will blends~~ with the surrounding built environment.
 - (2) Alternative coloring or marking may be utilized if an applicant identifies. These requirements shall apply unless other coloring or marking is required by FAA or FCC regulations requiring such alternative coloring or marking.
- (e) (3) ~~Equipment shelters shall , to the extent practicable, use be fabricated, constructed and installed using materials, colors, textures, screening and landscaping that will blend with the natural setting and built environment. Equipment~~ The equipment shelters and/or cabinets used ancillary to a microcell shall be contained wholly within a building, or structure, or enclosure, unless otherwise concealed and/or camouflaged, as may be required, or located underground.
- (d) (4) ~~Collocated antennas Antennas and other broadcasting or receiving equipment collocated on a single support structure or attachment structure~~ shall, to the greatest extent feasible, be of similar size, design, coloring and appearance.
- (5) For towers having a height in excess of one hundred fifty (150) feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure shall be limited so that, in the aggregate, the facility(ies) will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.
- (de) As long as all siting, setback, separation and general requirements of this division are met, towers, where permitted, freestanding communications facilities may occupy a parcel meeting the minimum lot size requirements for the zoning district in which they are located.

- ~~(f) For freestanding communications facilities with a height in excess of one hundred fifty (150) feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure shall be limited so that, in the aggregate, the facility(ies) will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.~~

Sec. 34-1081. Construction and operational standards.

- (a) ~~All towers and base stations shall comply with requirements of the applicable version of the Virginia Uniform Statewide Building Code (USBC). All support structures shall be constructed to comply with the Electronic Industries Association (EIA) current standards (EIA222-D, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by EIA, effective June 1, 1987, as from time to time amended or revised).~~
- (b) ~~All support structures shall be constructed to comply with the Virginia Uniform Statewide Building Code (USBC), effective September 1, 1973, as from time to time amended or revised, and with the provisions of any applicable city ordinance(s). Structures necessary for the housing or shelter of equipment used in direct support of a communications facility shall be allowed as accessories to the communications facility, but such structures may not be used for offices, vehicle storage or other storage. No equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility shall be stored or parked at the site, except when necessary in connection with repairs to the facility.~~
- (c) ~~All communications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal or state government having authority to regulate such facilities. An applicant seeking approval of a communications facility shall be required to certify such compliance. Every twelve (12) months from the date of issuance of a building permit, or, where required, from the date of final approval of a site plan, the owner or operator of an approved communications facility shall submit to the director of neighborhood development services or his designee documentation that the communications facility complies with all applicable federal and state standards and regulations.~~
- (d) ~~The owner and operator of a tower freestanding communications facility shall provide for and conduct an inspection of the tower support structure at least once every three (3) years. Such inspection shall be conducted by a structural engineer authorized licensed to practice within the Commonwealth of Virginia. A written report of the results of the inspection shall be provided to the City's Building Official director of neighborhood development services or his designee, verifying structural integrity and the name(s) and address(es) of any tenant(s) having equipment located on the structures.~~
- (e) ~~Machinery and equipment used ancillary to a communications facility shall be automated to the greatest extent possible. Communications facilities may be located on sites containing one (1) or more other principal uses, or such facilities may be the principal use of a lot. However, multiple uses of a single lot shall be prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.~~
- (f) ~~Areas sufficient for the temporary off street parking of at least two (2) vehicles shall be provided for freestanding communications facilities. The type and configuration of parking may be approved by the director of neighborhood development services or his designee.~~
- (fg) ~~A copy of any road maintenance agreement for any site accessed by private easement shall be provided as part of any application for a freestanding communications facility, or for a modification of an existing such facility. Where a freestanding communications facility site abuts or has access to~~

a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

- ~~(h) Freestanding communications facilities in excess of one hundred fifty (150) feet of height (including antenna arrays) shall be constructed to accommodate no less than three (3) telecommunications carriers or service providers.~~

Sec. 34-1082. Collocation.

- (a) Providers of communications services are encouraged to design, construct and site their facilities ~~PWSF and other communications facilities, attached or freestanding, in a manner that will promote with a view towards~~ sharing facilities and support structures with other utilities, collocation with other providers, and to accommodating the future collocation of other future facilities, wherever technically, practically and economically feasible. ~~The city shall work with telecommunications providers to facilitate the siting of PWSF or other communications facilities on city owned and other publicly owned property, by identifying existing facilities, the appropriate contact persons, and the appropriate leasing procedures.~~
- (b) A person seeking approval of a site plan or special use permit for a new freestanding communications facility shall document that reasonable attempts have been made to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.
- ~~(c) Accessory structures necessary for the housing or shelter of equipment used in direct support of a communications facility shall be allowed, but such structures may not be used for offices, vehicle storage or other storage. No equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility shall be stored or parked at the site, except when necessary in connection with repairs to the facility.~~
- ~~(d) Communications facilities may be located on sites containing one (1) or more other principal uses; however, such joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.~~
- (c) Proposed collocations shall be reviewed by the city in accordance with (i) requirements of federal law, and (ii) unless pre-empted by federal law, the applicable requirements of this division.

Sec. 34-1083. Required approvals Permit processes.

- (a) Building permit. The facilities listed below may be authorized by Zoning Verification pursuant to paragraph (b), below, and issuance of a building permit, if required by the USBC): ~~Where a microcell or attached communications facility is a permitted use, and will not exceed the by right height restrictions or dimensions set forth within this division, only a building permit shall be required.~~
- (1) Eligible Facility requests;
- (2) A new attached communications facility permitted by right, if such new facility meets all applicable requirements of this division;
- (3) Ordinary maintenance of a communications facility in existence on the date of an application; or
- (4) Placement of a COW at any location within the City, (i) for a single, temporary period of not more than one hundred twenty (120) days, or (ii) for any period corresponding with the duration of an emergency or disaster declared by the Governor or City Council.

- (b) Zoning Verification. Upon receipt of an application seeking approval for a facility, or modification, listed in paragraph (a), above, ~~Prior to issuance of a building permit,~~ the zoning administrator shall verify in writing that the ~~certify that~~ the proposed facility or modification meets applicable requirements of the zoning ordinance (“Zoning Verification”). If the zoning administrator determines that the facility or modification is not within the scope of (a)(1)-(4), above, or does not meet applicable zoning requirements, the zoning administrator shall notify the applicant in writing of the basis of his determination, and the facility or modification shall not be permitted until all applicable requirements have been satisfied. ~~microcell or attached communications facility meets all applicable standards and requirements set forth within this division.~~
- (1) The zoning administrator may require documentation and information to the extent reasonably related to determining whether a request is within the scope of (a)(1)-(4) above and otherwise meets applicable zoning requirements.
 - (2) Within 60 days of the date on which an applicant submits an Eligible Facility request, the request shall be approved, unless the zoning administrator determines, with the concurrence of the city attorney, that the application does not involve an Eligible Facility. For the purposes of this paragraph “approved” refers to issuance of the required Zoning Verification and approval of any certificate of appropriateness that may be required for a concealment element. All aspects of the city’s review of an Eligible Facility request shall be conducted in accordance with, and shall be governed by, the mandates set forth within 47 C.F.R. § 1.40001 (April 8, 2015), as such regulations may subsequently be amended.
 - (3) The 60-day review period (“shot clock”) begins to run from the date on which the application is filed, and it may be suspended only by mutual agreement or in cases where the city determines the application is incomplete. To suspend the running of the shot clock for incompleteness, the city must give written notice to the applicant within 30 days after the date on which the application is filed. The notice must reference all missing documents and information. Thereafter, the shot clock will begin running again when the applicant makes a supplemental submission in response to the notice. Following a supplemental submission, the city will have 10 days to notify the applicant in writing, if the supplemental submission did not provide all of the information required in the original notice. If a second or subsequent notice of incompleteness is given, the shot clock will be suspended until the next resubmission. Second and subsequent notices of incompleteness may not specify missing documents or information that were not referenced in the original notice of incompleteness.
- (c) ~~2) Upon application for a building permit, review will be conducted by the department of neighborhood development services and the zoning administrator, with support from other city staff and/or city-retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee. The city shall have the right to obtain retain independent technical consultants and experts ~~that it deems~~ as necessary to render the required determination, and the city may properly evaluate such applications, and to require an applicant to bear the reasonable cost of such services, charge a reasonable fee for such services to the applicant as part of the required application fee. Such reasonable costs ~~fee~~ shall include but shall not be limited to, the hourly rate of the independent technical consultant or expert ~~the city deems necessary to properly evaluate such applications.~~~~
- (d) Materials required for a Zoning Verification:
- (1) Application form and related information completed and signed by the applicant, accompanied by the application fee(s) set forth within the most recent fee schedule adopted by city council;
 - (2) Copy of a property lease or notarized power of attorney from the property owner (if the applicant is not the property owner) expressly authorizing the applicant to apply for and make binding

representations as the legal agent of the owner in relation to the proposed communications facility (alternatively, the property owner may co-sign the application form);

c. An Eligible Facility request shall also be accompanied by (i) a written opinion of an attorney licensed to practice within Virginia, certifying that the facility is an Eligible Facility, (ii) drawings prepared by an engineer authorized to practice within Virginia, setting forth all dimensions, elevations and other details establishing the factual basis for the attorney's opinion, and illustrating all proposed changes in dimension—including all existing and proposed concealment elements, (iii) the date(s) and type(s) of approvals previously granted by the city for the existing facilities, and (iv) for applications involving towers or base stations within a design control district, a comprehensive concealment plan, consisting of drawings prepared by an architect or engineer authorized to practice within Virginia, demonstrating how the concealment elements for all antennas and related equipment, in the aggregate, will satisfy the standards set forth within City Code 34-276, 34-310, or 34-342, as applicable.

(e) Zoning approval shall be required for any proposed communication facility other than those referenced within paragraph (a)(1)-(4), above. Each application seeking zoning approval of a proposed communication facility shall include the following:

(1) An application form and such related materials as may be required by the director of neighborhood development services for a proper review of the request, accompanied by the application fee set forth within the most recent fee schedule adopted by city council;

(2) Copy of a property lease or notarized power of attorney from the property owner (if the applicant is not the property owner) expressly authorizing the applicant to apply for and make binding representations as the legal agent of the owner in relation to the proposed communications facility (alternatively, the property owner may co-sign the application form);

(3) A proposed final site plan in accordance with sec. 34-1084; and

(4) An application for approval of a certificate of appropriateness, and related fees and supporting materials, when required by sec. 34-275, 34-309, or 34-340.

~~(b) *Site plan.* All freestanding communications facilities, all microcells or attached communications facilities exceeding the height or dimensions specified in section 34-686, and all modifications of existing such facilities, shall require an approved site plan. For the purpose of this requirement, location of additional antennas or microcells on a previously approved facility shall not be deemed a modification of an existing facility requiring a new site plan, so long as such additional antennas or microcells themselves meet any applicable requirements of this division.~~

~~(1) Upon application for site plan review, review will be conducted by the department of neighborhood development services, with support from other city staff and/or city retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee.~~

~~(2) The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate such applications, and to charge a reasonable fee for such services to the applicant as part of the required application fee. Such fee shall include but shall not be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate such applications.~~

~~(c) *Site plan applications.* Each applicant requesting site plan review under this division shall submit the following information as part of the application:~~

~~(1) A site plan and elevations, drawn to scale, and other supporting drawings or photographic simulations, specifying the appearance, height, location and dimensions of the proposed facility, including: support structure; equipment shelters; accessory uses; coloring of materials; parking;~~

access; landscaped areas; fences; adjacent land uses; separation and setback calculations; and property boundaries. A cross section of the support structure shall be included.

- ~~(2) A landscape plan to scale, indicating the size, spacing and type of plantings, and indicating existing significant vegetation to be removed, and vegetation proposed for planting to replace any lost vegetation; and a natural resources screening, based upon direct observation and/or generally available data sources, of the proposed support structure site; and information as to how the applicant will implement practical measures to avoid, minimize and/or mitigate (in that order of preference) potential adverse impacts.~~
- ~~(3) A utilities inventory showing the location of all water, sewer, drainage, gas, and power lines at the site.~~
- ~~(4) Information concerning support structure specifications, and compliance with applicable EIA, ANSI and USBC standards, as applicable.~~
- ~~(5) Demonstration of the structural integrity of the proposed facility and its support structure; information as to the failure characteristics of the proposed facility and its support structure; demonstration that site conditions and setbacks are adequate to contain debris within the boundaries of the site in the event of structural collapse.~~
- ~~(6) A description of anticipated maintenance and operational needs, including frequency of necessary maintenance services, personnel needs, equipment needs, and traffic, noise or safety impacts of the maintenance and operation of the facility.~~
- ~~(7) Total anticipated capacity of the support structure as proposed, including a description of the number, type, technical capabilities and limitations, and the placement of antenna or other receiving or transmitting devices to be located on the support structure, and information sufficient to enable the city to evaluate the visual impact of the proposed facility on adjacent properties and views.~~
- ~~(8) Information as to the additional tower capacity anticipated, including the approximate number and types of antennas or other equipment the structure could ultimately accommodate, together with a description of any limitations on the ability of the facility to accommodate other facilities or uses (e.g., radio frequency interference, mass height, frequency or other characteristics). The applicant shall include a description of the technical options available to overcome any listed limitations, and reasons why such technical options were not chosen to be incorporated in the proposed facility.~~
- ~~(9) A certification that the applicant has made reasonable efforts to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.~~
- ~~(10) A statement from a qualified radio frequency engineer licensed to practice in the Commonwealth of Virginia, or from the FCC, certifying that, as proposed, a communications facility complies with FCC guidelines concerning radio frequency radiation and emissions.~~
- ~~(11) Written statements from the FAA, FCC and any state governmental authority having jurisdiction or regulatory authority over the proposed facility, verifying that the proposed facility complies with all applicable regulations administered by that agency or authority, or that the proposed facility is exempt from any such regulations.~~
- ~~(12) Any other information which may be requested by the city to facilitate evaluation and review of the application.~~

~~(d) Special use permits.~~

The following uses may be permitted with a special use permit:

- ~~(1) A microcell which exceeds the dimensions specified within section 34-683 (the definition of microcell), or which is mounted on a support structure exceeding the height restrictions set forth within section 34-1074.~~
- ~~(2) An attached communications facility that exceeds the height or dimensions specified in section 34-1074.~~
- ~~(3) A freestanding communications facility that exceeds the height specified in section 34-1074.~~
- ~~(e) Where a facility is permitted by special use permit approval, receipt of final site plan approval and a building permit shall also be required. Each application for a special use permit seeking approval of a special use permit for a communications facility under this division shall include the following information and materials, in addition to the information required as part of a site plan or building permit application:
 - (1) A proposed final site plan, in accordance with 34-1084;
 - ~~(2)~~Demonstration that the proposed site is appropriate for the location of the facility. Information relevant to this factor includes, without limitation: topographic features or advantages of the site; site location in relation to provision of adequate wireless communications transmission or other type of communications broadcast, transmission or receipt; physical site characteristics in relation to the construction of the facility, including potential impacts on adjacent land uses; technical capabilities and limitations of the facility to be established; adequacy of setbacks to protect adjacent residential or public properties, or public streets in the event of a support structure failure; the ability to buffer, through use of vegetative, topographic or other measures, the impact of the use on adjacent residential or public streets or properties; impact on adjacent buildings, structures or sites of historic significance.
 - ~~(3)~~ A list of all existing support structures and antenna sites within a two-mile radius from the proposed site (list to include street address, tax parcel number, existing uses and existing height), outlining opportunities for shared use as an alternative to the proposed use. The applicant shall demonstrate that the proposed support structure, antenna or microcell cannot be accommodated by other existing approved facilities due to one (1) or more of the following reasons:
 - a. Unwillingness of the owner of the existing facilities to entertain a wireless communication facility proposal, or unwillingness of such owner to provide space on economically reasonable terms;
 - b. The planned equipment would exceed the structural capacity of existing and approved support structures and facilities, considering existing and planned use for those facilities;
 - c. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
 - d. Existing or approved support structures of facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
 - e. Other reasons, described in specific factual detail, make it impracticable to place the equipment on existing and approved support structures or facilities;
 - f. The proposed co-location of an existing support structure or antenna site would be, by virtue of the requirements of this division, any city ordinance or the city's comprehensive plan, considered a prohibited use.~~
- ~~(4)~~ A statement certifying that, as proposed, the facility is consistent with provisions of Subchapter I of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321—4335. If

an environmental assessment is performed pursuant to 47 C.F.R. Chapter I, Part I, Subpart I, a copy shall be provided to the city.

- (54) Technical, engineering, and other pertinent factors which led to the selection of the particular design and proposed height of the facility.
- (65) An inventory of the applicant's existing ~~PWSFs or other~~ communications facilities located within the city and ~~or~~ within one (1) mile of the city's boundaries, including specific information about the location, height and design of each facility.
- (76) A detailed description of any ~~the~~ gap in service (described in technical terms and geographic area) that a proposed communications facility ~~PWSF~~ is designed to serve, together with documentation that the ~~proposed PWSF is the least intrusive alternative available (e.g., that the applicant has considered alternatives that would obviate any need for the proposed installation, including, without limitation: collocation at alternative less sensitive sites, alternative system designs, alternative tower designs, etc.).~~
- (87) Any other information requested by the city to enable it to fully evaluate and review the application and the potential impact of the proposed facility.
- (9f) The criteria to be applied by the city in reviewing an application for a special use permit are as follows:
 - a. Whether the proposed facility has been designed and configured in a way that minimizes the adverse visual impact of support structures, antenna arrays and other associated structures and equipment on adjacent properties, particularly any adjacent residentially-zoned properties or any conservation or historic districts or protected properties, or any entrance corridors;
 - b. Whether the proposed facility has been designed and configured to promote compatibility with surrounding land uses and to protect the health, safety, general welfare and property values of the community;
 - c. Whether the proposed facility has been designed and configured so that it will not have undue adverse impact on traffic or parking congestion in the surrounding neighborhood or the community;
 - d. Whether the applicant has made all reasonable efforts to identify and locate opportunities for shared use (co-location) of existing support structures and antenna sites within an appropriate radius from the proposed site, as an alternative to the proposed use;
 - e. Whether the proposed facility will meet all applicable federal, state and local laws and regulations, including building, fire and safety regulations; and
 - f. Whether the proposed facility meets the applicable requirements and standards set forth within this division and within article I, division 8 of this chapter.
- (g) The planning commission shall review and make recommendations to city council concerning approval or disapproval of the application for a special use permit ~~for a PWSF or other communications facility~~, based upon its ~~the~~ review of the application materials and site plan for the proposed facility and upon the criteria set forth in this division and chapter.
 - (1) ~~The planning commission may concurrently approve a site plan subject to city council's approval of a special use permit, and subject to the necessary amendments to the site plan as a result of the city council action; or, alternatively,~~
 - (2) ~~The planning commission may choose to consider the site plan after the approval of the special use permit by the city council.~~

- (h) ~~Except as set forth above, the procedure for filing and consideration of an application for a special use permit for a communications facility is the same as that required by Article I, division 8 of this chapter for a rezoning petition, except that each application for a special use permit under this division shall, in addition, contain a site plan and other supporting data sufficient to demonstrate compliance with the purposes and standards of this division and the other requirements set forth in this division.~~
- (i) Each application for a special use permit for a ~~PWSF or other~~ communications facility, or an amendment to such a special use permit, shall be accompanied by a fee as set forth within the most recent fee schedule adopted by city council in the amount of one hundred dollars (\$100.00), plus an additional amount specified by the director of neighborhood development services or his designee, as and for the cost of technical consultant(s) and experts deemed necessary by the city. Such fee shall include but shall not necessarily be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate the application.
- (j) In granting any special use permit for a communications facility the city council may expand, modify, reduce or otherwise grant exceptions to the setback regulations, landscaping and screening requirements, height restrictions or visibility and placement restrictions set forth within this division, provided that the city council determines that such conditions are reasonable and will serve approval of the proposed facility meets the purpose and goals of this chapter. The resolution adopted by city council to grant any such special use permit shall include any exceptions or modifications as specific conditions of such permit.
- (k) Special use permits issued under the terms of this division shall be reviewed by the department of neighborhood development services no less than every five (5) years from the date of issuance for compliance with this division and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities are being violated.
- (l) Special use permits for communications facilities ~~granted by the city council~~ shall be subject to the provisions of City Code Sec. 34-156 et seq., except as follows:
- (1) Application materials shall be reviewed, and zoning decisions rendered, in the following order: (i) the City's agent for approval of a site plan shall take action on the proposed final site plan, as submitted, and any approval shall be subject to the approval of a special use permit, (ii) the BAR or ERB, as applicable, shall make a decision on any required certificate of appropriateness. Approval of a COA shall be conditioned upon approval of a special use permit, and a denial of a COA shall be deemed appealed to city council for resolution in connection with its decision on the special use permit; and (iii) the planning commission and city council shall take final action on the proposed special use permit, subject to final approval of the site plan.
- (2) All required zoning decisions referenced within paragraph (1), above, shall be completed by the City within 150 days of receipt of an application, or within 90 days if the application involves a collocation (other than an Eligible Facility request). The City's review and responses to the application shall be in accordance with requirements of federal and state law. Denial of a special use permit by city council shall be set forth in writing and must be supported by substantial evidence in the record of the proceedings.
- (m) Notwithstanding the provisions of Sec. 34-164, if a tower or base station is abandoned, and it remains abandoned for a period of at least twelve (12) consecutive months, then upon written notice to the owner, the city may require that the tower be removed, or that all communications equipment be removed from the base station, within six (6) months after the date of such notice. ~~expire eighteen (18) months from the date of permit approval, if construction of improvements necessary to the use~~

for which the permit was granted has not commenced to a degree that, in the opinion of the zoning administrator, clearly establishes the intent to utilize the granted special permit in a period of time deemed reasonable for the type and scope of improvements involved.

- (n) Procedures for the amendment of a special use permit shall be the same for the original special use permit application.
- (o) In the event of a conflict between any provisions of this article and the provisions of any applicable federal law, regulation, or binding regulatory interpretation or directive, the federal requirement(s) shall govern.

Secs. 34-1084—34-1099. Reserved.

3. Chapter 34 (Zoning), Article X (Definitions) is hereby amended and re-enacted, as follows:

Sec. 34-1200. Definitions.

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Antenna ~~or antenna array~~ as used in Article IX, section 34-1070, et seq. means communications equipment mounted on a support structure for the purpose of transmitting, receiving, or transmitting and receiving electromagnetic radio signals used in the provision of all types of wireless communications services one (1) or more whips (omni directional antenna), panels (directional antenna), discs (parabolic antenna) or similar devices used for broadcast, transmission and/or reception of radio frequency signals. Reference to an antenna or antenna array does not include the support structure. The following shall be excluded for the purposes of this division, from the definition of antenna and antenna array: amateur radio antennas, satellite earth station antennas one (1) meter in diameter or less; receive only home television antennas; and satellite earth station antennas two (2) meters or less in diameter located in a commercial or industrial zoning district.

Attached communications facility and attached facility as used in Article IX, section 34-1070, et seq. and any zoning use matrix, shall mean a communications facility ~~an antenna or other communications equipment (broadcasting or receiving, including any PWSF or microcell)~~ that ~~uses~~ is attached to an existing building or structure, ("attachment structure") as its support structure. For the purposes of this definition, the term structure shall include, without limitation: utility poles, signs, and water towers; however, the term shall exclude ~~communications~~ towers. Where reference is made to an attached facility, unless otherwise specified the reference will be deemed to include any accompanying pole or device ("attachment device") which attaches the antenna ~~array or communications equipment~~ to the existing building or structure, any concealment element(s), as well as transmission cables and any equipment shelter which may be located either inside or outside the attachment structure.

Attachment structure as used in Article IX, section 34-1070, et seq. refers to the structure to which an attached communications facility is affixed.

Base station means a structure or equipment at a fixed location that enables FCC-licensed or authorized communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

Carrier On Wheels (COW) means a portable, self-contained wireless facility that can be moved to a location and set up to provide wireless communications services on a temporary or emergency basis.

Collocation, Co-location (collocation) for purposes of Article IX, section 34-1070, et seq. shall mean the mounting or installation of antennas on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes use of an attachment structure or support structure by (i) two (2) or more wireless license holders, radio stations or television stations, or combination thereof, (ii) one (1) wireless license holder, radio station or television for more than one (1) type of communications technology, or (iii) two (2) or more communications facilities owned or operated by government or other public and quasi-public users.

Communications facility for purposes of Article IX, section 34-1070, et seq. means any antenna, ~~antenna array or other communications equipment (including any PWSF)~~ used by any commercial, governmental, ~~or other~~ public or quasi-public user(s). Where reference is made to a communications facility, unless otherwise specified or indicated by context, such referenced ~~will be deemed to include any base station, tower or other support structure on which the antenna or other communications equipment is mounted, any concealment element(s), and any attachment device and other equipment referenced within 47 C.F.R. §4.0001(b)(1)(i)-(ii) transmission cables, and any associated equipment shelter.~~

Concealment element means an architectural feature or treatment (paint, for example), landscaping, screening or other means or method of rendering a communications facility invisible, or minimally visible, from adjacent streets and properties, as may be required by Article IX, sec. 34-1070 et seq.

Communications facility, freestanding for purposes of Article IX, section 34-1070, et seq. means any communications facility ~~other than an attached communications facility or a microcell located on an existing building, pole or other existing support structure.~~

Dish antennas means a satellite antenna, also known simply as a "dish," used for satellite communication and broadcast reception.

Eligible Facility means an eligible support structure proposed to be modified in a manner that does not result in a Substantial Change, and such modification involves: (i) collocation of transmission equipment, (ii) removal of transmission equipment; or (iii) replacement of transmission equipment. As used in Article IX, sec. 34-1070 et seq. of this chapter, the term "Eligible Facility request" means a request seeking a determination that the proposed modification of an existing tower or base station is an Eligible Facility.

Eligible support structure means any tower or base station that is existing at the time of an Eligible Facility request. For the purposes of this definition, a constructed tower or base station is "existing", if it has been reviewed and approved under the applicable zoning or siting process, or another state or local regulatory review process (provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition).

Freestanding communications facility means any tower.

Microcell for purposes of Article IX, section 34-1070, et seq. means a facility for wireless communications, consisting of an antenna that is either: (i) not more than four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (ii) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.

Personal wireless service facility (PWSF) means an unstaffed communications facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, transmission cables, an equipment shelter and a support structure to achieve necessary elevation.

Radio and television broadcasting station means an establishment engaged in transmitting oral and visual programs to the public and that consists of a studio, transmitter, and antennas.

Tower, alternative means for purposes of Article IX, section 34-1070, et seq. means a support structure that camouflages or conceals the presence of the antenna array, equipment shelter and other

apparatus for a PWSF or other communications facility, to an extent that the communications facility is either invisible or otherwise made an integrated part of the feature enclosing it. Examples of an alternative tower structure include, but are not limited to: clock towers, bell towers, church steeples, water towers, and light poles.

Substantial Change, for purposes of Article IX, section 34-1070 et seq., means a modification of an existing tower or base station, if (i) for a tower outside a public right-of-way: the modification increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater; and, for a tower located within a public right-of-way, and for a base station: the increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater; (ii) for a tower outside a public right-of-way: the modification protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; and, for a tower located within a public right-of-way, and for a base station, it protrudes from the edge of the structure more than 6 feet; (iii) the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; (iv) the modification entails any excavation or deployment outside the current site of the tower or base station; (v) the modification would defeat the existing concealment elements of the tower or base station; or (vi) the modification does not comply with conditions associated with the prior approval of construction or modification of the tower or base station (provided that this limitation does not apply to any modification that is non-compliant only in a manner that does not exceed the thresholds identified in (i)-(iv) preceding above). As used in this definition, the term “site” means: for towers other than towers in a public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and for other eligible support structures: further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Tower, ~~communications~~ refers to ~~a support structure~~ a structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

Tower, guyed means a monopole or lattice tower support structure that is secured and stabilized by diagonal cables (guy wires) anchored to the ground or other surface.

Tower, lattice means a support structure that is self-supporting with multiple legs and cross-bracing of structural steel.

Tower, monopole means a support structure consisting of a single pole, constructed without any guy wires and ground anchors.

Tower, self-supporting means a support structure that is self-supporting with a single shaft of wood, steel or concrete and antennas or other communications facilities at the top. Structures commonly referred to as “monopoles” are included in this definition.

Transmission equipment means equipment that facilitates transmission for any FCC-licensed or authorized wireless communications service, including, but not limited to antennas, radio receivers, coaxial or fiber-optic cable, and regular and backup power supply.

Utility pole, for purposes of Article IX, section 34-1070 et seq. means a structure owned or operated by a public utility, municipality, electric membership corporation, or similar entity, that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, electricity, or to provide street lighting.

Wireless communications means any FCC licensed or authorized communications, including personal wireless services, as defined in the Federal Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio

~~(ESMR), and paging, as well as unlicensed wireless services and common carrier wireless exchange access services, and similar services that currently exist or that may in the future be developed. The term does not mean the provision of direct to home satellite services, as defined in Section 303(v) of the Act.~~

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	August 15, 2016
Action Required:	Yes – Public Hearing and Adoption of Ordinance (Two readings) Granting a Utility Easement to Dominion Power to Serve the YMCA in McIntire Park
Presenter:	Craig Brown, City Attorney
Staff Contacts:	Brian Daly, Department of Parks and Recreation Lance Stewart and Mike Mollica, Department of Public Works
Title:	Dominion Utility Right-of-Way Agreements to Serve the YMCA

Background:

Dominion Virginia Power (“Dominion”) has requested three utility easements from the City in order to provide electric service to the new YMCA family fitness center being constructed in McIntire Park. Copies of Dominion’s standard Right-of-Way Agreements, with accompanying plats, are attached. The first easement would allow the installation of an additional utility pole next to the end of the Sherwood Road right-of-way, on the south side of the U.S. Route 250 Bypass (designated on the plat as “30’ Overhead Easement”). The second easement is also a 30’ Overhead Easement, which will allow the placement of an additional utility pole on the north side of the Bypass. The third easement is a 15’ wide easement that will accommodate an underground line from the new pole next to the Bypass to the new YMCA facility.

Discussion:

City staff, Dominion and the YMCA explored several alternatives for bringing electric power to the new YMCA facility, including the following:

- Two different routes for easements entering McIntire Park from the north, through the Charlottesville High School site, which would have necessitated easements from the Charlottesville School Board; and,
- Two different routes for easements originating in the vicinity of the Bypass Fire Station, and either going directly to the YMCA building through a wooded area, or along the Bypass to the main entrance to the Park.

Each of the other options involved potential damage to trees within McIntire Park; encroachment into environmentally sensitive areas such as the slopes between the CHS tennis courts and the creek between CHS and the Park; or potential conflicts with an area that could be considered for a new running track at CHS. The site proposed doesn't require the removal of any trees, and was considered by City staff as having the least impact to McIntire Park, of all the options considered.

In April City Council granted an easement to Dominion in McIntire Park between the YMCA building and the CHS property, with the anticipation that it would be used in conjunction with an easement from the School Board across the CHS site. Since that option is not being pursued, we will require Dominion to record a formal release of that easement authorized by City Council in April.

Alignment with Council Vision Areas and Startegic Plan:

The proposed YMCA family fitness facility in McIntire Park aligns with City Council's vision for Charlottesville to be America's Healthiest City.

Community Engagement:

There has been no prior community engagement, but the proposed easements have been advertised for a required public hearing.

Budgetary Impact:

Other than staff time spent working with Dominion and the YMCA on the location of the easement, there is no direct budgetary impact to the City.

Recommendation:

City staff recommends approval of the attached ordinance.

Attachments:

- (1) Proposed Ordinance
- (2) Standard Right-of-Way Agreement from Dominion Power
- (3) Drawings showing easement locations (3)

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF THREE (3) EASEMENTS
TO DOMINION VIRGINIA POWER
TO PERMIT ELECTRIC UTILITY POLES AND LINES
ON AND ACROSS CITY PROPERTY TO SERVE THE YMCA FACILITY IN
McINTIRE PARK**

WHEREAS, the Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power (“Dominion”), has requested this Council to grant easements across property owned by the City of Charlottesville within McIntire Park (Tax Map Parcel Identification No. 450001000), and on the same Tax Map Parcel on the south side of the U.S. Route 250 Bypass at the end of Sherwood Road, all as identified within Right of Way Agreements (DVP ID No(s) 81-16-0053, 81-16-0055, and 81-16-0057) and accompanying Plats submitted by Dominion, for the installation and maintenance of electric utility poles, lines and equipment; and

WHEREAS, on August 15, 2016, this City Council conducted a public hearing on the requested easements;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute the Dominion Right-of-Way Agreements, in a form approved by the City Attorney, granting the above-described easements to Dominion Virginia Power for electric utility service to the YMCA facility in McIntire Park.



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this 3rd day of August, 2016, by and between

THE CITY OF CHARLOTTESVILLE

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.2 to construct, operate and maintain a pole line including, without limitation, all wires, poles, attachments, ground connections, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said non-exclusive easement shall extend thirty (30) feet in width across the lands of **GRANTOR**.

Initials: _____

This Document Prepared by Virginia Electric and Power Company and should be returned to:
Dominion Virginia Power, 1719 Hydraulic Road Charlottesville VA 22901.

(Page 1 of 7 Pages)
DVPIDNo(s). 81-16-0057
Tax Map No. 450001000

Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in City of Charlottesville, Virginia, as more fully described on Plat(s) Numbered 81-16-0057, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: _____

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Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE'S** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE'S** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE'S** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE'S** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 3 of 7 Pages)
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Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that **GRANTOR** is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on behalf of said corporation.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: City of Charlottesville

By (Signature): _____

Name: Michael Signer

Its: Mayor

State of Virginia

City/County of City of Charlottesville

The foregoing instrument was acknowledged before me this _____ day of _____, _____

by _____, _____
(Name of officer or agent) (Title of officer or agent)

of City of Charlottesville, a(n) Virginia
(Name of corporation) (State of incorporation)

corporation, on behalf of the corporation.

Notary Public (Print Name) Notary Public (Signature)

Virginia Notary Reg. No. _____ My Commission Expires: _____

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DVPIDNo(s). 81-16-0057



Right of Way Agreement

Exhibit A

THIS RIGHT OF WAY AGREEMENT dated August 3rd, 2016, by and between the

The City of Charlottesville

a political subdivision of the Commonwealth of Virginia ("**GRANTOR**"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power ("**GRANTEE**") is hereby amended as follows:

1. This Right of Way Agreement shall be limited in duration and shall remain in force for a term of forty (40) years, except for any air rights together with easements for columns for support granted hereunder, in which case such air rights together with easements for columns for support shall exist for a term of sixty (60) years. At the end of any such term, this Right of Way Agreement shall automatically terminate unless **GRANTOR** agrees to renew this Right of Way Agreement for an additional term of years.
2. In the event that this Right of Way Agreement is terminated, or if the removal of **GRANTEE**'s facilities is otherwise desired by **GRANTOR**, then **GRANTOR** agrees that it will pay the cost of removing **GRANTEE**'s wires and facilities, and, if appropriate, the cost of replacing **GRANTEE**'s wires and facilities. Upon the termination of this Right of Way Agreement, **GRANTOR** agrees to provide **GRANTEE**, if needed by **GRANTEE**, a suitable substitute easement subject to the same terms provided for herein for **GRANTEE**'s wires and facilities. In the event that this Right of Way Agreement is revoked or terminated, all facilities constructed hereunder shall remain the property of **GRANTEE**.
3. **GRANTOR** covenants that in the event that **GRANTOR** sells or conveys the real property on which **GRANTEE**'s wires and facilities are located by this Right of Way Agreement, **GRANTOR** will provide **GRANTEE** with a suitable permanent easement for **GRANTEE**'s wires and facilities and, if necessary, pay the cost of relocating **GRANTEE**'s wires and facilities to such permanent easement.

GRANTOR:

The City of Charlottesville

a political subdivision of the Commonwealth of Virginia

By: _____

Its: _____

DVPIDNo(s). 81-16-0057

(Page 5 of 7 Pages)



Right of Way Agreement

EXHIBIT A

This Exhibit A shall be attached to and made a part of the RIGHT OF WAY AGREEMENT executed by the undersigned **GRANTOR(s)** on the _____ day of _____, _____. The following terms and conditions are incorporated therein:

GRANTEE agrees to indemnify, protect, defend and hold GRANTOR, its employees and agents, harmless from and against all claims, actions, losses, damages, costs, expenses and liabilities arising out of injury to or death of any person or loss of or damage to any property in or upon the easement or GRANTOR'S contiguous area, including the person or property of GRANTOR, its employees, agents, licensees, or others, to the extent such injury, death, loss or damage is caused by the acts or omissions of GRANTEE, its agents or employees. The foregoing indemnity shall not apply to any claims, actions, losses, damages, costs, expenses and liabilities arising from any act or omission of GRANTOR, its agents, employees, licensees or others.

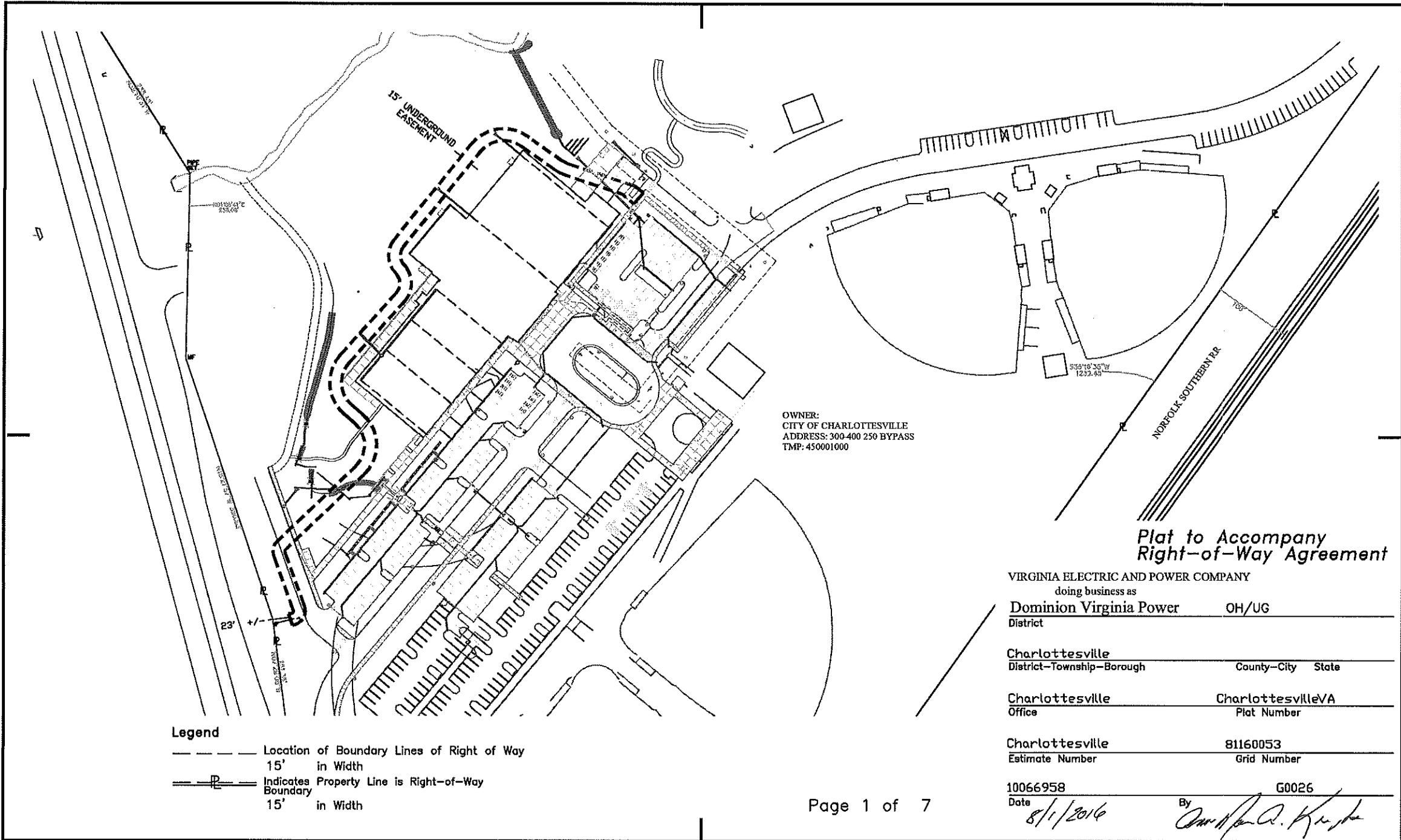
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(SEAL)

(Page 6 of 7 Pages)

DNCPIDNo(s). 81-16-0057

DVPIDNo(s).



OWNER:
 CITY OF CHARLOTTESVILLE
 ADDRESS: 309-400 250 BYPASS
 TMP: 450001000

Legend
 - - - - - Location of Boundary Lines of Right of Way
 15' in Width
 - - - - - Indicates Property Line is Right-of-Way
 Boundary
 15' in Width

**Plat to Accompany
 Right-of-Way Agreement**

VIRGINIA ELECTRIC AND POWER COMPANY
 doing business as
Dominion Virginia Power OH/UG

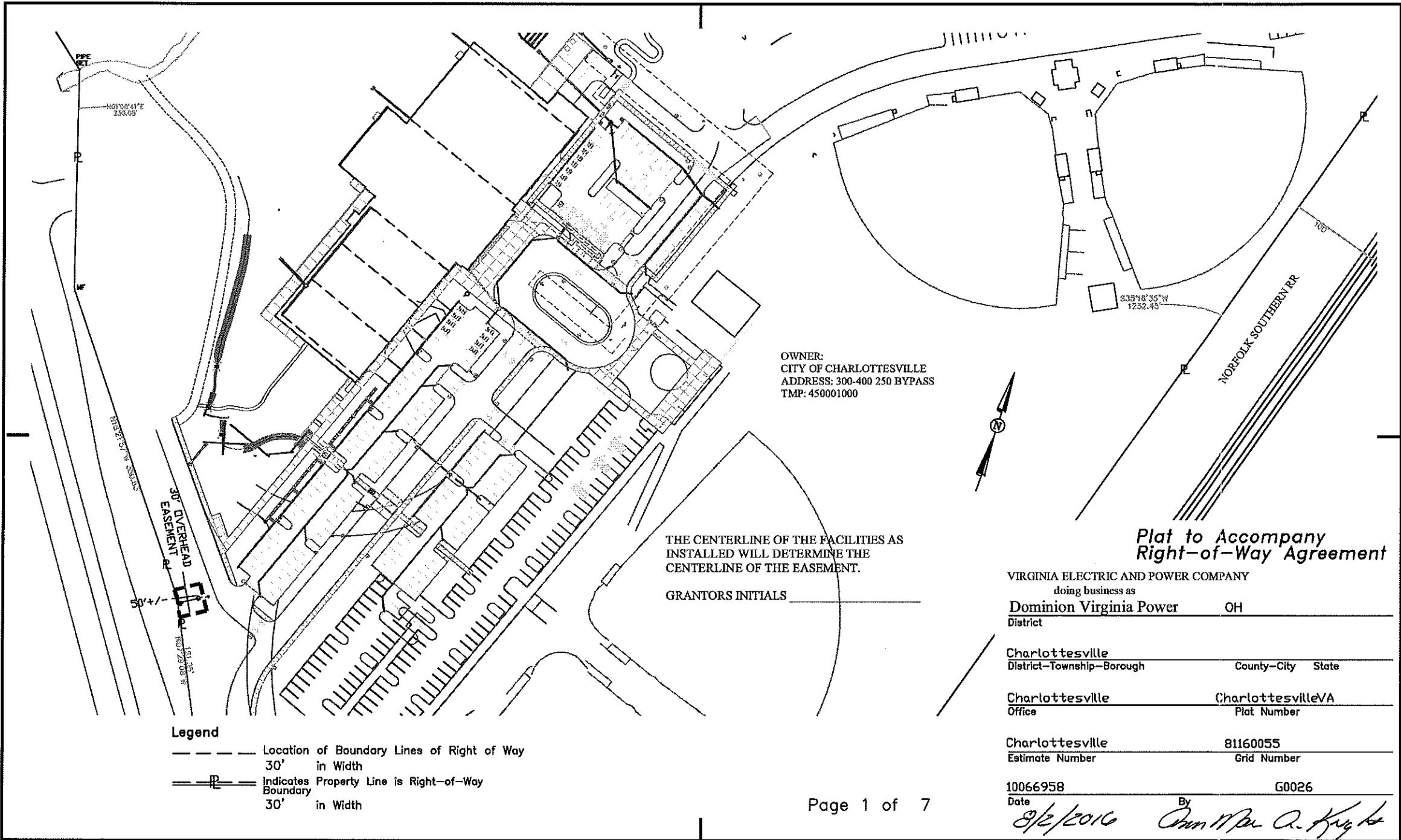
District

Charlottesville
 District-Township-Borough County-City State

Charlottesville CharlottesvilleVA
 Office Plat Number

Charlottesville 81160053
 Estimate Number Grid Number

10066958 G0026
 Date 8/1/2016 By *Ann D. A. King*



OWNER:
 CITY OF CHARLOTTESVILLE
 ADDRESS: 300-400 250 BYPASS
 TMP: 450001000

THE CENTERLINE OF THE FACILITIES AS
 INSTALLED WILL DETERMINE THE
 CENTERLINE OF THE EASEMENT.

GRANTORS INITIALS _____

**Plat to Accompany
 Right-of-Way Agreement**

VIRGINIA ELECTRIC AND POWER COMPANY
 doing business as

Dominion Virginia Power OH
 District

Charlottesville
 District-Township-Borough County-City State

Charlottesville CharlottesvilleVA
 Office Plat Number

Charlottesville 81160055
 Estimate Number Grid Number

10066958 G0026
 Date

By *Ann Marie A. Knight*

- Legend**
- Location of Boundary Lines of Right of Way
30' in Width
 - |--- Indicates Property Line is Right-of-Way
Boundary
30' in Width

THE CENTERLINE OF THE FACILITIES AS
INSTALLED WILL DETERMINE THE
CENTERLINE OF THE EASEMENT.

GRANTORS INITIALS _____

OWNER:
CITY OF CHARLOTTESVILLE
ADDRESS: 300-400 250 BYPASS
TMP: 450001000

OWNER:
JULIA REAVES
ADDRESS: 1218 SHERWOOD ROAD
TMP: 436001000

OWNER:
CITY OF CHARLOTTESVILLE
ADDRESS: 300-400 250 BYPASS
TMP: 450001000

Legend

-  Location of Boundary Lines of Right of Way
30' in Width
-  Indicates Property Line is Right-of-Way
Boundary 30' in Width

*Plat to Accompany
Right-of-Way Agreement*

VIRGINIA ELECTRIC AND POWER COMPANY
doing business as

Dominion Virginia Power OH

District

Charlottesville
District-Township-Borough

County-City State

Charlottesville
Office

CharlottesvilleVA
Plat Number

Charlottesville
Estimate Number

81160057
Grid Number

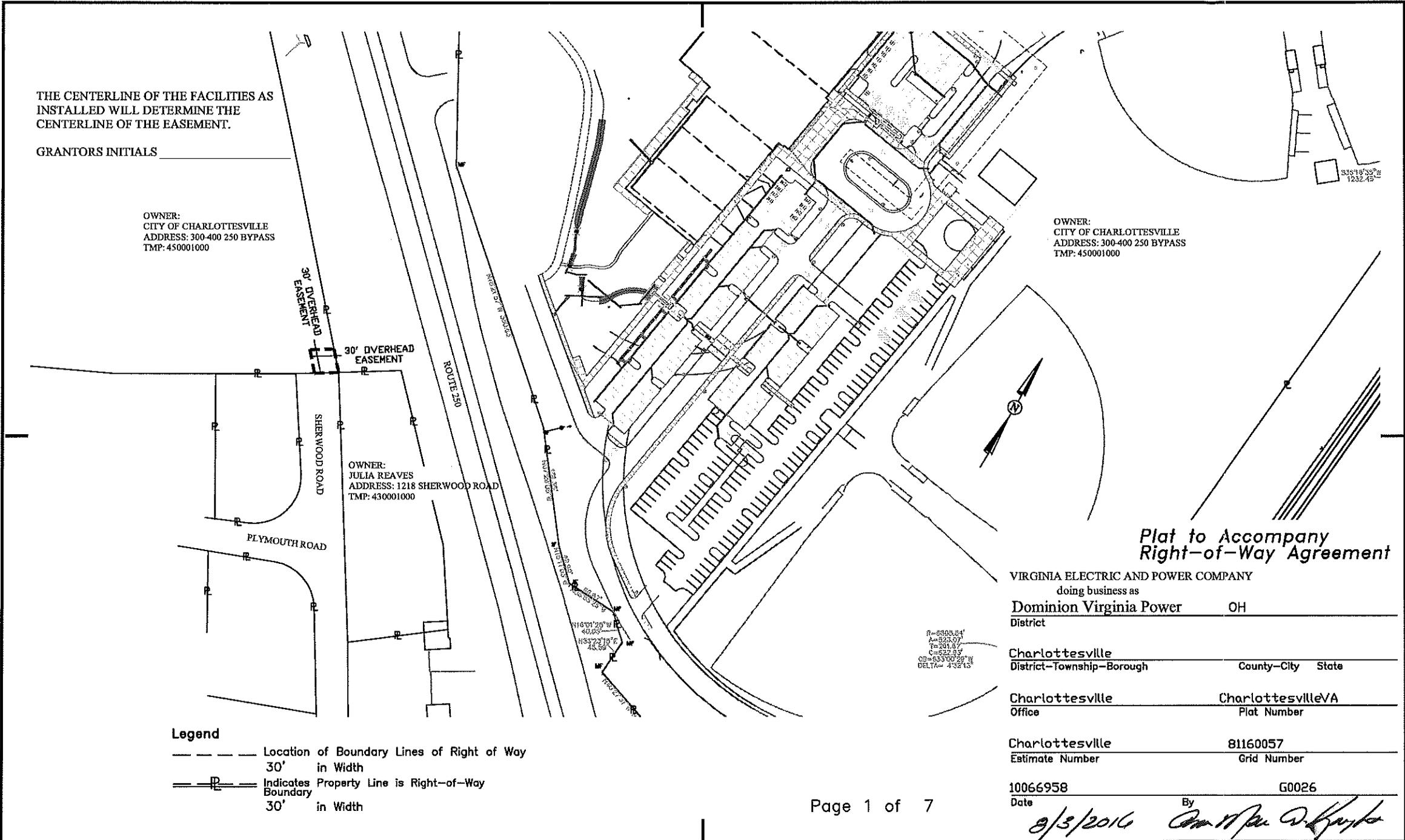
10066958
Date

G0026

By *Ann Marie D. Kuyper*

R=6500.84
A=533.07
T=311.87
C=527.57
OB=63300.28' N
68.174= 438'15"

N16°01'28"W
40.05'
N33°22'30"E
43.53'



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 6, 2016
Action Required:	Resolution
Presenter:	Heather Newmyer, Planner, and Amanda Poncy, Bicycle and Pedestrian Coordinator, Neighborhood Development Services
Staff Contacts:	Heather Newmyer, Planner, and Amanda Poncy, Bicycle and Pedestrian Coordinator, Neighborhood Development Services
Title:	Streets that Work Plan - Comprehensive Plan Amendment

Background:

In February 2014, City Council reaffirmed its commitment to creating complete streets for all users and adopted a resolution to consider the context surrounding the streets as part of any future street design process. As part of the resolution, Council directed staff to undertake a **planning process** that reflects the understanding that streets serve a multitude of transportation, economic, social, recreational and ecological needs that must be considered when deciding on the most appropriate design. Council approved approximately \$37,000 to hire Toole Design Group (TDG) to initiate Phase 1 of the project: the initial public/stakeholder engagement, existing conditions review and technical memo. In 2015, Council approved an additional \$95,000 for Toole Design Group to develop the plan and guidelines (including on-going community engagement efforts).

The Streets That Work Initiative is one of the components that form the overall vision for Charlottesville's streets, as shown in the figure below, where the Streets That Work Plan will serve as a central element of the broader initiative.



Components of the Streets That Work Initiative

The purpose of this “**Streets that Work**” initiative is to develop a comprehensive street DESIGN GUIDE for Charlottesville that seeks to improve the transportation network for all modes & create vibrant & sustainable public spaces along city streets. The Streets That Work Plan has two main components:

- 1) A set of design guidelines with representative street cross sections & a toolkit that can be used to apply the guidelines in different contexts.
- 2) An implementation plan, including a review of the current project delivery process & recommended protocols for ensuring multi-modal mobility.

The Streets That Work Plan focuses on the public right of way. However, the plan informs changes to those elements of the zoning code and other regulatory documents (Standards and Design Manual) that contribute to the experience on the street. Initially, the Code Audit and Streets that Work initiative were on a similar schedule, but the Code Audit was delayed based on recommendation from Council and Planning Commission. Staff will begin regrouping on the Code Audit upon completion of the Streets that Work initiative with guidance from Council. These linked processes share the same guiding principles to ensure Charlottesville is/has:

- High Quality Public Space
- Vibrant Places of Commerce
- Safe & Accessible
- Healthy, Green & Sustainable
- Connected & Convenient
- Collaborative
- Policy Driven

The **Final Streets That Work Plan** is available at <https://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>.

Discussion:

A Joint Work Session of the Charlottesville City Council, Planning Commission and the Streets That Work Advisory Committee was held on April 26, 2016 to discuss the Streets That Work Plan dated April 2016. Overall, City Council and the Planning Commission were supportive of the plan and suggested the following refinements: a required soil volume that aligns with localities in Virginia: 400 ft³ per large tree (700 ft³ preferred), setting a preferred (rather than required) minimum planting strip width, with variation based on the street typology, adding stronger language in support of shared streets and clarifying the difference between shared and yield streets. These items have been incorporated into the final draft of the plan dated May 2016.

The Planning Commission held a public hearing on June 14, 2016. One member of the public spoke in favor of the plan, but raised concerns about BPAC representation on the STW Committee, 0-ft setbacks, and lack of frontage zone details in the tables. Staff responded that while setbacks are mentioned in the plan as an element important to the experience of a street (p.71), setbacks are dealt with on private property outside the public right-of-way, and are governed by the Zoning Ordinance. Any change to current setback regulations would be addressed during the Code Audit. There will be ample opportunity for public participation in that process. Frontage zone dimensions are also governed by setback widths set forth in the Zoning Ordinance, and therefore only preferred minimums are given (pp.69-70).

Commissioner Green asked whether the City had the ability to create shared streets with speed limits below 25 miles per hour. City Attorney Lisa Robertson said that shared streets are a viable design alternative, but that speed limit changes must be recommended by an engineering study. Commissioner Keller inquired about the plan's prioritization methodology, specifically as to why multiple intersections along Cherry Avenue were identified as priorities for improvement but the corridor itself was not. Staff explained that the weighting method produced prioritization scores that were very tight, so Cherry Avenue was not ranked within the top ten priorities by a margin of decimals. However, intersection projects will not be addressed in isolation and any effort to improve intersections along Cherry Avenue would take into account the adjoining street.

Commissioner Keesecker asked whether Streets that Work would help prioritize small area plans or simply act as a tool to conduct them. Staff replied that criteria outside the scope of the Streets that Work effort would likely decide locations for small area planning, but that the guidelines would inform those plans as they applied to the streetscape. Mr. Keesecker then asked how the guidelines might be used to update the Standards and Design Manual. NDS Assistant Director Missy Creasy said that utilities, engineering, fire, and police staff have already been involved and will help translate the guidelines into technical standards.

Commissioner Lahendro asked how the guidelines would be implemented, apart from piecemeal application as new projects come up. Staff said that the guidelines are already being applied to street projects, that staff is actively searching for funding sources to tackle larger priority projects, and that the Code Audit will be another means of turning Streets that Work principles into concrete results. Commissioner Green emphasized that the Streets that Work effort represents a fundamental, positive change in the way the City plans for street infrastructure.

Citizen Engagement:

In addition to the April 2016 work session and Planning Commission's public hearing in June 2016, Charlottesville Neighborhood Development Services has provided various opportunities for the public to engage in the Streets That Work planning process. The process began in May 2014 with a multi-day design workshop to establish a vision for citywide street design guidelines. In November-December 2014, City staff met with individual neighborhoods to capture citizen feedback on street conditions in Charlottesville leading up to a public meeting on December 13th, 2014. Following those meetings, an advisory committee was appointed by City Council to guide the planning process (see list included in Appendix) and a dedicated website was established to provide updates to the broader community - www.charlottesville.org/streetsthatwork

During the summer of 2015, City staff met with local community event leaders and attended the following community events, the 26th Annual African American Cultural Arts Festival, Westhaven Community Day, and Back to School Bash. The goal of attending these events was for Staff to bring information to the public about the Streets That Work planning process, to publicize the upcoming September Open House, as well as provide an opportunity for citizens to comment on what they believed should be prioritized for individual street types throughout Charlottesville. At these events, community members' ideas were captured via interactive games at a Streets That Work informational booth, creating a temporary street mural, and providing feedback on a demonstration project of temporary pedestrian and bicycle improvements.

On September 15, 2015, an Open House was held where citizens, fire department personnel, and city councilors worked together in small groups to prioritize street elements for a typical neighborhood, downtown, and mixed-use street in Charlottesville. Attendees expressed strong desire for wider sidewalks, more street trees, lower neighborhood speed limits reinforced by traffic

calming design, and more resources devoted to undergrounding utilities.

A final open house to review and provide comments on the draft plan was held on March 24, 2016, at City Space.

Following the open house, city staff from various departments, in partnership with the Tom Tom Festival and a University of Virginia graduate capstone project, temporarily demonstrated the Streets that Work design elements along 2nd Street SE between Water and Monticello south of the downtown mall. The pilot project demonstrated narrower travel lanes, curb extensions, marked bike lanes and active street frontages and provided an opportunity for the general public to provide input. Hundreds of people visited the various demonstration areas and provided positive feedback with regard to outdoor seating and public plazas, retail frontages and marked bicycle lanes. More than 50 detailed surveys were completed.

Note: A full account of the public engagement process is available at www.charlottesville.org/streetsthatwork under the Streets That Work Community Process tab.

Alignment with City Council’s Vision and Strategic Goal Areas:

The Streets That Work project supports City Council’s “Green City” and “Connected Community” vision:

The City Council Vision of a Green City states that “Charlottesville citizens live in a community with a vibrant urban forest, tree-lined streets, and lush green neighborhoods.”

The City Council Vision of a Connected Community states “the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community. An efficient and convenient transit system supports mixed use development along our commercial corridors, while bike and pedestrian trail systems, sidewalks, and crosswalks enhance our residential neighborhoods. A regional network of connector roads helps to ensure that residential neighborhood streets remain safe and are not overburdened with cut-through traffic.”

The project contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community – namely 2.2 Consider health in all policies and programs; 2.3 Provide reliable and high quality infrastructure; and 2.6. Engage in robust and context sensitive urban planning

Budgetary Impact:

The ultimate success of this initiative will be the degree to which the guidelines are implemented on projects that impact the public right-of-way. This will require the allocation of funding resources and coordination with the development community. One of the key deliverables is the implementation plan that includes a prioritized list of recommendations that can be implemented with a combination of funding sources in the short and long-term. With the prioritized list of improvements, city staff can more proactively and effectively leverage both existing Capital Improvements funds and outside funding sources to implement projects. Additional funding sources could include – HB2 funds, Highway Safety Improvement Project Grant Funds, Revenue Sharing, as well existing Capital Improvement Funds, to name a few.

Future implementation of the STW Guidelines will have an effect on the level of maintenance needed as the guidelines calls for more street trees within the public right-of-way, wider sidewalks and green infrastructure amenities where feasible. Street elements such as those mentioned and

others within the guidelines will require increased maintenance that could increase budget needs.

Recommendation:

Commissioner Green moved to approve the amendment to the City's Comprehensive Plan to append the Streets that Work Plan along with the applicable goals, objectives, guidelines and maps. The motion was seconded by Commissioner Lahendro and passed 7-0. The certified resolution is attached.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution;
- (2) by motion, request changes to the attached Resolution, and then approve in accordance with the amended Resolution;
- (3) by motion, defer action, or
- (4) by motion, deny the proposed Comprehensive Plan Amendment.

Attachments:

- (1) Proposed City Council Resolution
- (2) Certified Planning Commission Resolution
- (3) Direct Link to Streets that Work Plan - <https://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>

Note: The plan available online is ADA accessible.

**RESOLUTION
OF THE CHARLOTTESVILLE PLANNING COMMISSION
RECOMMENDING AMENDMENT OF THE CITY'S COMPREHENSIVE
PLAN
TO INCORPORATE THE 2016 STREETS THAT WORK PLAN**

Whereas, this Planning Commission held a public hearing on the proposed 2016 Streets that Work Plan, after notice given as required by law, NOW THEREFORE,

BE IT RESOLVED that this Planning Commission recommends to City Council the approval of the 2016 Streets that Work Plan, as an amendment to the City's Comprehensive Plan. A copy of this Update is linked to this Resolution and is hereby certified to City Council for its consideration in accordance with City Code Section 34-27(b).

Adopted by the Charlottesville Planning Commission, the 14th day of June 2016.

Attest: 
Secretary, Charlottesville Planning Commission

Attachment: 2016 Streets That Work Plan www.charlottesville.org/streetsthatwork

RESOLUTION
APPROVING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN
BY INCORPORATING THE 2016 STREETS THAT WORK PLAN

WHEREAS, on June 14, 2016, after notice given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the Comprehensive Plan for the City of Charlottesville (2013), to include the contents of the proposed 2016 Streets that Work Plan (“Comprehensive Plan Amendment”); and

WHEREAS, on June 14, 2016, the Planning Commission adopted a resolution recommending approval by City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the 2016 Streets that Work Plan as an amendment to the City’s Comprehensive Plan. Neighborhood Development Services staff shall post on the City’s website notice of Council’s adoption of the this Update, along with a copy of the approved Update.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 6, 2016
Action Required:	Approval of Ordinance (1 st reading) after Public Hearing
Presenter:	Matthew Alfele, NDS Planner
Staff Contacts:	Matthew Alfele, NDS Planner/ Brennen Duncan, Asst. City Engineer Lisa Robertson, Chief Deputy City Attorney
Title:	Conditional Release of Road Widening, Drainage, and Public Access Easements to Accommodate Retail Development at 1200 Emmet Street

Background: Capital One, N.A. is the current owner of a vacant parcel of land at the northeastern corner of the intersection of Barracks Road and Emmet Street (the “Property”). The Contract Purchaser of the Property (CA Land Holdings, LLC, represented by local developer Alan Taylor) plans to construct a new retail project on the site (the “Project”), and has submitted a proposed final site plan to NDS for review. NDS is in the process of reviewing the proposed site plan (the “Site Plan”).

According to the Contract Purchaser, a drainage/utility and reservation of right-of-way easement, and two public sidewalk access easements located on the Property are constraining the design of the proposed project, and are affecting its ability to obtain Project financing. A permanent easement given in favor of the City, for drainage structures, road widening and a sidewalk along the Property’s Barracks Road frontage was acquired by the City in 1962, and the sidewalk easements (adjacent to the Property’s Barracks Road and Emmet Street frontages) were granted to the City in 2007.

Discussion:

Item (i): The 1962 easement for public street improvements (including drainage, road widening and sidewalk construction) was reserved when the City conveyed the Property to Wendell Wood, et al. See the attached map, the drawing labeled “1962 Permanent Easement Drawing”.

- *Drainage*--The 1962 permanent easement is not currently in use by the City for public drainage purposes and its abandonment will not affect the City’s stormwater utility system.
- *Road widening/ sidewalk construction*—If the City agrees to vacate 1962 permanent easement, the Contract Purchaser will, in its place, dedicate an area of land along the Barracks Road frontage for public use. As required by the approved Site Plan and upon obtaining title to the Property, the Contract Purchaser will construct certain public improvements along the Barracks Road frontage. Upon completion of construction of the public improvements, those newly constructed facilities would be presented to the City for

acceptance into the City's public system for maintenance.

Item (ii): It is staff's position that the two 2007 sidewalk easements, each thirty-six (36) feet in length, along the Barracks Road and Emmet Street frontages, will not be necessary in light of the Contract Purchaser's stated plans to construct the project in accordance with the proposed final Site Plan (which, as currently submitted, depicts access points for pedestrians or vehicles along each of those frontages).

It is staff's recommendation that Council should approve the requested vacation of the 1962 and 2007 easements conditionally, subject to the Contract Purchaser obtaining title to the Property and dedicating the new right of way area along the Barracks Road frontage to the City, prior to the release of the existing easements. Therefore, the attached Ordinance has been drafted in such a manner that the proposed vacation will not take effect until the Site Plan incorporating the new right of way area has been approved and the new right of way area has been dedicated to the City.

Community Engagement: A public hearing is required by Virginia Code §15.2-1800(B), in order to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Budgetary Impact: Funding for certain public improvements in the Barracks Road/Emmet Street intersection, including an additional turn lane, is to be determined and will be subject to Council approval at a later date.

Recommendation: Staff recommends approval of the ordinance to release the above-referenced existing easements with the condition that the City will not allow the recordation of any deed(s) for the vacation of the 1962 or 2007 easements along Barracks Road and Emmet Street, unless and until the Property Owner, CA Land Holdings LLC, or its successor(s) in interest, dedicates a sufficient area of right of way to allow for certain improvements to be made to the Barracks Road/Emmet Street intersection, including but not limited to, an additional turn lane.

Attachments:

Request Letter from Mary Katherine McGetrick, Esq., attorney for CA Land Holdings, LLC

Note: the Request Letter mentions that there are other easements that the Contract Purchaser desires the City to modify or vacate; however, the details of those proposed modifications/ vacations remain under review by staff and the attorneys for the City and the Contract Purchaser. Those items will come to you as separate items for public hearing and action, at a later date.

Proposed Ordinance

Escrow Agreement

Drawings showing the 1962 and 2007 Easements

WILLIAMS MULLEN

Direct Dial: 804.420.6921
mkmcgetrick@williamsmullen.com

July 19, 2016

BY EMAIL AND REGULAR MAIL

Ms. Barbara Ronan
Paralegal
City of Charlottesville Attorney's Office
605 E. Main Street
Charlottesville, Virginia 22902
ronan@charlottesville.org

Re: Right of Way located at 1200 Emmet Street (the "Property"), at the intersection of Emmet Street and Barracks Road, Charlottesville, Virginia

Dear Barbara:

Thank you for taking the time to meet with Alan Taylor and me last Thursday in your office. As a follow up to that meeting, we request, on behalf of CA Land Holdings, LLC, as contract purchaser of the Property, that City Council pass an ordinance approving the following actions by the City:

1. Termination of the permanent easement for construction, maintenance and repair of necessary drainage structures and fill and/or slope for street widening and the construction of a sidewalk along the street line as set forth in that certain deed dated September 28, 1962 and recorded in Deed Book 243, page 250; and

2. Termination of the public sidewalk easement and trail easement as set forth in that certain deed dated November 5, 2007 and recorded in Deed Book 1172, page 164.

In consideration of the termination of the easements set forth above (the "Existing Easements"), CA Land Holdings will cause the conveyance of:

1. A right of way easement in favor of the City as shown on the enclosed exhibit prepared by Bohler Engineering dated June 27, 2016 (the "Exhibit"), in order to allow for construction of new intersection improvements at the Emmet Street and Barracks Road intersection; and

2. A Deed of Dedication to the City conveying a new 8' pedestrian and bicycle trail along Meadowbrook Road as shown on the Exhibit, in order to allow for construction of new trail improvements.

CA Land Holdings intends to purchase the Property upon receipt of all approvals from the City for its intended retail development, including, but not limited to, site plan approval (the "Approvals"). The termination of the Existing Easements, in exchange for the grant of the new right of way easement and deed of dedication to the City, is necessary in order for CA Land

WILLIAMS MULLEN

July 19, 2016

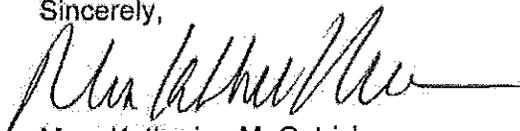
Page 2

Holdings to obtain the Approvals. Therefore, we request that the form of the four (4) documents referenced above, each of which is attached hereto for review, be approved by the City, signed by both parties and placed into escrow with the City Attorney's Office, to be released and recorded upon receipt of the Approvals and transfer of the Property to CA Land Holdings, or its affiliate created to take title to the Property.

As we discussed in our meeting, this is a unique opportunity to dramatically improve the operation of traffic at the intersection of Emmet Street and Barracks Road, which has long been an issue for City residents and surrounding property owners. Since an affiliate of CA Land Holdings is also developing the property on the other side of Barracks Road, with the execution of the attached documents, the intersection can be widened with minimal impact to either project, but with maximum improvement to the safety and utility of the intersection.

If you need any further documentation or details about the project or the proposed easements or dedications in order to draft the proposed ordinance, please do not hesitate to give me or Alan a call. We look forward to working with the City to bring these improvements to fruition.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Katherine McGetrick", with a long horizontal flourish extending to the right.

Mary Katherine McGetrick

cc: Alan R. Taylor

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**AN ORDINANCE
AUTHORIZING THE RELEASE OF CERTAIN PUBLIC EASEMENTS,
ACROSS PROPERTY AT THE CORNER OF EMMET STREET AND BARRACKS ROAD**

WHEREAS, CA Land Holdings, LLC is the Contract Purchaser of vacant land situated at the northeastern corner of the intersection of Barracks Road and Emmet Street, designated on City Tax Map 40 as Parcel 2.1 (the “Property”); and

WHEREAS, said Contract Purchaser has requested the vacation and release by the City of three (3) recorded easements that cross the Property, in order to accommodate construction of a retail project on the Property, said easements being described as follows: **(i)** Two “public sidewalk access easements”, each thirty-six (36) feet in length: one along Barracks Road and the other along Emmet Street, shown within a deed dated November 5, 2007, of record in the aforesaid Clerk’s Office in Deed Book 1172, Page 164, and **(ii)** that certain permanent easement in favor of the City, dated September 28, 1962 and recorded in Deed Book 243, page 250 in the Clerk’s Office of the Circuit Court of the City of Charlottesville (collectively, these three easements are hereinafter referred to as the “Subject Easements”); and

WHEREAS, the Contract Purchaser has represented that, in consideration of the release and vacation of the Subject Easements, it will dedicate right of way for public use, as set forth within a proposed Escrow Agreement presented to City Council this same date, and it will construct certain public improvements and provide site access, as part of its construction of a development project on the subject Property; and

WHEREAS, the Director of NDS has no objection to the release of the Subject Easements, based on: (i) the Contract Purchaser’s representations within its proposed final site plan, that the design of its intended project includes pedestrian access to the Property from the Barracks Road and Emmet Street public rights-of-way, and (ii) the Contract Purchaser’s agreements set forth within the provisions of the proposed Escrow Agreement;

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing has been conducted by City Council, giving the public an opportunity to comment on the proposed vacation and release of the Subject Easements; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that: **(i)** the proposed vacation and release of the Subject Easements is hereby approved, conditioned upon compliance with the terms and conditions set forth within the Escrow Agreement, which Escrow Agreement is also hereby approved; and **(ii)** the City Manager is hereby authorized to sign the Escrow Agreement as the agent of City Council; and **(iii)** Director of Neighborhood Development Services is authorized to enter into a written development agreement (“Development Agreement”) with the Contract Purchaser, or its successor(s), specifying the timing of the dedication of right-of-way for Barracks Road and the completion of public street improvements, including pedestrian access to the Property from Barracks Road and Emmet Street, in relation to the establishment of the Contract Purchaser’s development project, and **(iv)** the City’s Mayor is hereby authorized to execute one or more deeds, in such form(s) as may be approved by the City Attorney, for the vacation and release of the Subject Easements as contemplated within this ordinance, provided, however, that such deed(s) shall be held by the City Attorney, and shall not be delivered to the Contract Purchaser, any Property Owner, or their successor(s) in interest, nor shall any such deed(s) be recorded in the City’s land records, except in accordance with the Escrow Agreement.

ESCROW AGREEMENT

THIS ESCROW AGREEMENT (the “**Agreement**”) is entered into this ___ day of _____, 2016 by and among BARRACKS ROW, LLC, a Virginia limited liability company (“**Barracks**”); 1134 EMMET STREET, LLC, a Virginia limited liability company (“**Emmet**”); CITY OF CHARLOTTESVILLE, a political subdivision of the Commonwealth of Virginia (the “**City**”); and the Escrow Agent (as defined herein). The establishment of this escrow and the execution of this Agreement, as well as the execution and delivery of the ROW Deed of Release and the Easement Vacation (each as defined herein) have been approved by City Council, following a public hearing noticed and conducted in accordance with law, by ordinance adopted on September ___, 2016 (the “**City Council Ordinance**”).

RECITALS

A. CA Land Holdings, LLC, an affiliate of Barracks, has entered into that certain Purchase and Sale Agreement dated March 3, 2016, (as amended, the “**Barracks Purchase Agreement**”) for certain real property located in the City of Charlottesville, Virginia and known as 1200 Emmet Street (the “**Retail Property**”), which Barracks intends to develop as a retail shopping center (the “**Project**”).

B. Emmet owns certain real property located at 1170 Emmet Street which is the subject of that certain Shopping Center Ground Lease dated December 30, 2015 (the “**CVS Lease**”) to CVS 1556 VA, L.L.C. (the “**Tenant**”) for development and use as a CVS pharmacy store (the “**CVS Property**”).

C. Barracks and the Tenant desire to make certain improvements to the Retail Property and the CVS Property, respectively, and the approval of said improvements requires review and approval by the City of a final site plan for each project, in addition to other approvals. As part of the approval process for Project, Barracks has requested the vacation and release by the City of a certain permanent public easement across the Retail Property, and the City has indicated that, in consideration for such vacation and release, the City must obtain dedicated right-of-way, of an equivalent area, in return, and therefore (i) Barracks has agreed to dedicate a certain portion of the Retail Property to the City for public right of way purposes along Barracks Road (the “**Barracks ROW Dedication**”), and (ii) Emmet has agreed to dedicate a certain portion of the CVS Property to the City for public right of way purposes, which is of benefit to Emmet because it shifts a required building setback line in a manner favorable to Emmet’s development plan (the “**Emmet ROW Dedication**”); and all parties to this Escrow Agreement have agreed that, together, the Barracks ROW Dedication and the Emmet ROW Dedication shall provide the City an area of dedicated public street right-of-way which, at minimum, equals the area (square footage) available to the City within the permanent easement referenced in paragraph D, following below.

D. Barracks and Emmet, as fee owner of the CVS Property and with consent of Tenant, each intend to execute a deed of dedication to the City for the Barracks ROW Dedication and the Emmet ROW Dedication on each respective property (each, a “**Dedication Deed**”), and place each Dedication Deed into escrow with the Charlottesville City Attorney’s Office (the

“**Escrow Agent**”). The City intends to execute a deed of release of that certain permanent easement in favor of the City dated September 28, 1962 and recorded in Deed Book 243, page 250 in the Clerk’s Office of the Circuit Court of the City of Charlottesville, Virginia (the “**ROW Deed of Release**”), and place the ROW Deed of Release into escrow with the Escrow Agent. The form of such deeds shall be approved by the Office of the City Attorney in advance of execution.

E. Barracks, Emmet and the City shall execute and deliver, as appropriate, the Dedication Deeds necessary to accomplish the Emmet ROW Dedication and the Barracks ROW Dedication and the ROW Deed of Release, to Escrow Agent to be held in escrow pending the satisfaction of the conditions of this Agreement, or termination of this Agreement as described herein (collectively, the “**Escrow Documents**”). The Escrow Documents will be held in escrow and shall only be released and recorded pursuant to the terms of this Agreement.

AGREEMENT

In consideration of the premises and the mutual covenants contained in this Agreement, the parties hereby incorporate the above recitals into this Agreement and agree for themselves, their successors and assigns as follows:

1. **Establishment of Escrow.** Within thirty (30) days after the date of full execution of this Agreement, Barracks, Emmet and the City will each deliver to Escrow Agent the original Escrow Documents, fully signed and notarized. Escrow Agent shall hold the Escrow Documents in accordance with the terms of this Agreement.

2. **Release of Escrow Documents.** Upon the satisfaction of all the following conditions, and satisfaction of all such conditions has been verified by both the City Engineer and the Office of the City Attorney, the Escrow Documents shall be released by Escrow Agent to Barracks, its attorney or title company for recordation (at the sole expense of Barracks):

(i) The Project shall have obtained: (a) final zoning and site plan approvals from the City, including Entrance Corridor approval, Architectural Review approval, Critical Slopes and Fill in the Flood Plain waivers, and any special use permit required for the Project, and (b) approved Stormwater management and erosion and sediment control plans and land disturbing permits (collectively, the “**Approvals**”);

(ii) Barracks shall own fee simple title to the Retail Property;

(iii) The bonding requirements of the city’s water protection ordinance and zoning ordinance (Charlottesville City Code, Chapters 10 and 34, respectively) shall have been satisfied; and

(iv) The Tenant shall have executed the Dedication Deed for the Emmet ROW Dedication.

Upon release, the Escrow Documents shall be recorded within two (2) business days in the following order:

1. Dedication Deed for the Emmet ROW Dedication;
2. Dedication Deed for the Barracks ROW Dedication; and
3. The ROW Deed of Release.

In the event that the conditions set forth in this Section 2 have not been satisfied within twenty-four (24) months after the date of the City Council Ordinance, then this Agreement shall terminate and the Escrow Agent shall return the Escrow Documents to the party which executed such documents (i.e. the Dedication Deeds shall be returned to Barracks and Emmet, as applicable, and the ROW Deed of Release shall be returned to the City).

3. **Resignation of Escrow Agent; Dispute.**

(a) The Escrow Agent shall have the right to resign at any time by giving thirty (30) calendar days written notice of such resignation to the Parties specifying the effective date of such resignation or termination. Within thirty (30) calendar days after receiving the aforesaid notice, Barracks, Emmet and the City agree to jointly appoint a successor escrow agent to which the Escrow Agent shall distribute the property then held hereunder. If a successor escrow agent has not been appointed and has not accepted such appointment by the end of such thirty (30) calendar day period, the Escrow Agent may apply to a court of competent jurisdiction for the appointment of a successor escrow agent. Upon delivery of all of the Escrow Documents pursuant to the terms of this Agreement to the successor escrow agent, the Escrow Agent shall thereafter be discharged from any further obligations hereunder.

(b) In the event that (i) any dispute shall arise between the Parties with respect to the disposition or disbursement of any of the documents held hereunder or (ii) the Escrow Agent shall be uncertain as to how to proceed in a situation not explicitly addressed by the terms of this Agreement whether because of conflicting demands by the other parties hereto or otherwise, the Escrow Agent, at its option, shall be permitted to retain the Escrow Documents until the Escrow Agent (x) receives a final non-appealable order of a court of competent jurisdiction or a final non-appealable arbitration decision directing delivery of the Escrow Documents, (y) receives a written agreement executed by each of the Parties involved in such disagreement or dispute directing delivery of the Escrow Documents, in which event the Escrow Agent shall be authorized to disburse the Escrow Documents in accordance with such final court order, arbitration decision, or agreement, or (z) interpleads all of the assets held hereunder into a court of competent jurisdiction, and thereafter the Escrow Agent shall be fully relieved from any and all liability or obligation with respect to such interpleaded assets and shall be entitled to recover attorneys' fees, expenses and other costs incurred in commencing and maintaining any such interpleader action. The Escrow Agent shall be entitled to act on any such agreement, court order, or arbitration decision without further question, inquiry, or consent.

4. **Notices.** Any notices required or permitted to be given under the terms of this Agreement shall be considered properly made if sent by (i) certified or registered United States

mail, return receipt requested, postage prepaid, (ii) recognized overnight courier, such as Federal Express, or (iii) electronic mail to the parties at the following addresses:

if to Barracks: Barracks Row, LLC
455 Second Street SE, 5th Floor
Charlottesville, VA 22902
Attn. Alan R. Taylor, Jr.
alan@riverbenddev.com

With a copy to: Williams Mullen P.C.
200 S. 10th Street, 16th floor
Richmond, VA 23219
Attn. Mary Katherine McGetrick, Esq.
mkmcgetrick@williamsmullen.com

if to Emmet: 1134 Emmet, LLC
455 Second Street SE, 5th Floor
Charlottesville, VA 22902
Attn: Andrew J. Dondero
andy.dondero@redlightmanagement.com

With a copy to: Williams Mullen P.C.
200 S. 10th Street, 16th floor
Richmond, VA 23219
Attn: Philip H. Goodpasture, Esq.
pgoodpasture@williamsmullen.com

If to the City: City of Charlottesville
Department of Neighborhood Development Services
Alex Ikefuna, Director
P.O. Box 911, Charlottesville, VA 22902

if to Escrow Agent: Charlottesville City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902
Attn: Lisa Robertson
robertsonl@charlottesville.org

5. **Controlling Law.** This Agreement has been entered into under the laws of the Commonwealth of Virginia, and those laws shall control the interpretation of its terms.

6. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, to their respective legal representative, assigns and successors in interest.

7. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

BARRACKS ROW, LLC

By: River Bend Management, Inc., its Manager

By: _____

Name: _____

Title: _____

1134 EMMET STREET, LLC

By: River Bend Management, Inc., its Manager

By: _____

Name: _____

Title: _____

CITY OF CHARLOTTESVILLE

By: _____

Name: _____

Title: _____

ESCROW AGENT:

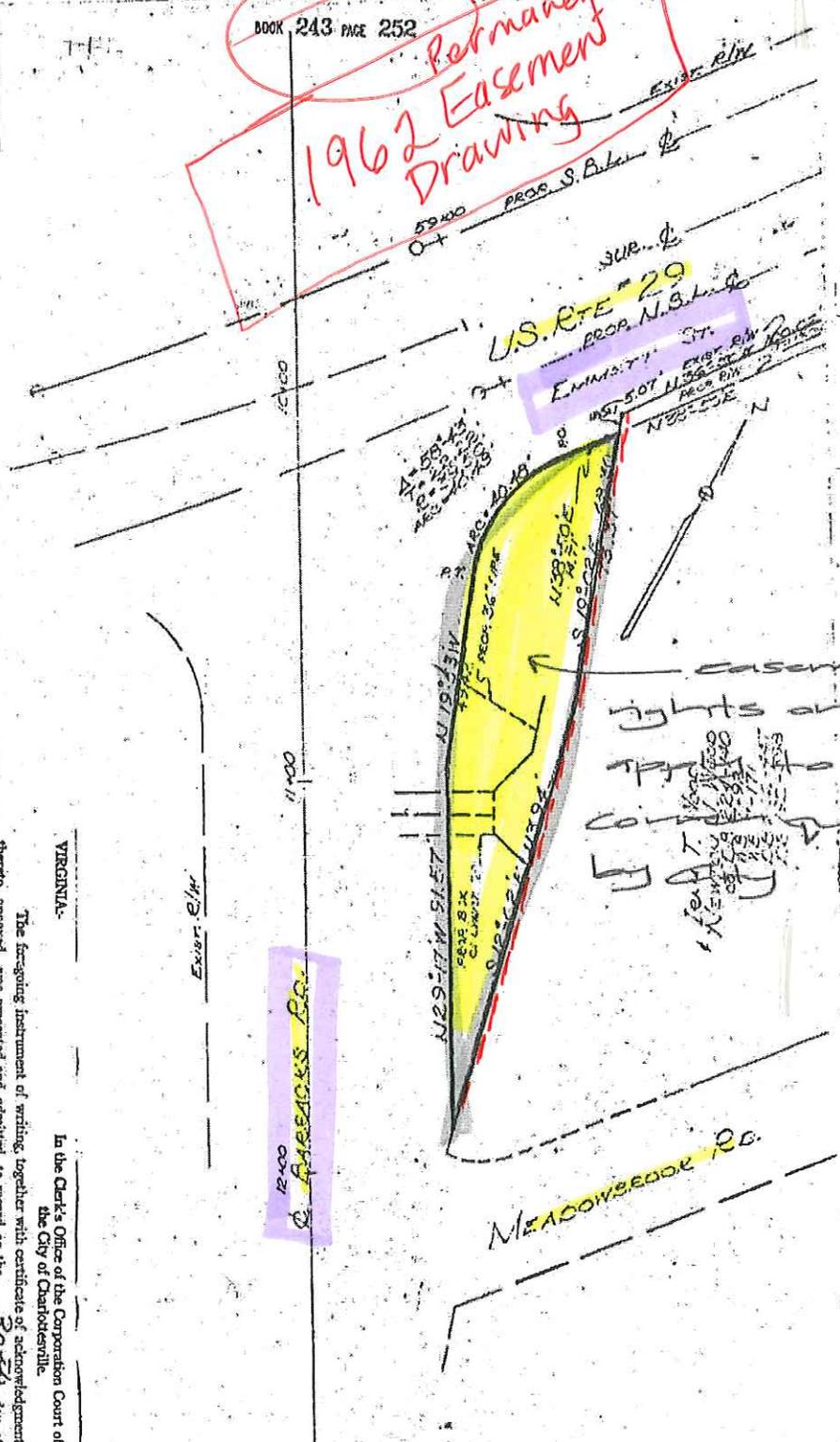
**CHARLOTTESVILLE
CITY ATTORNEY'S OFFICE**

By: _____

Name: Lisa Robertson

Title: Deputy City Attorney

1962 Permanent Easement Drawing



easement rights only apply to small parcels contained by...

VIRGINIA
In the Clerk's Office of the Corporation Court of the City of Charlottesville
The foregoing instrument of writing, together with certificate of acknowledgment thereto annexed, was presented and admitted to record on the 30th day of July, 1963, at 2:15 o'clock, P. M.
Tester: *W. Stuart Sherman*, Clerk

PLAT SHOWING PARCEL OF LAND, OUTLINED IN ORANGE, TO BE ACQUIRED BY NEWTON J. WOOD ET AL FROM THE CITY OF CHARLOTTESVILLE

ENGINEERING DEPARTMENT
CITY OF CHARLOTTESVILLE, VA.
JULY 10, 1962
SCALE 1"=25'

2007 Sidewalk Easement

**EMMET STREET
U.S. ROUTE 29**

PLAT NORTH
DB 248 PG 551

CENTERLINE PER VDOT PROJECT (85' R/W)
#0029-104-101-C501 SHEET 8

N 38°50'00" E 177.78' 36.00' IPS

113.81' (TIE) N 51°10'00" W 1.50' S 38°50'00" W 36.00' 27.97' (TIE) S 51°10'00" E 1.50'

FOR CONTINUATION SEE SHEET 2 OF 3

LOT 1

PUBLIC SIDEWALK ACCESS ESMT
(HEREBY DEDICATED TO THE
CITY OF CHARLOTTESVILLE)

LOT 3A LOT 3B
WOOD AND WOOD
LAND CO., INC.
DB 302 PG 55

LOT 2
LLOYD F.
WOOD,
EST.
DB 248 PG 551

PID 40002200
GAD, LLC
DB 853 PG 22

PUBLIC SIDEWALK ACCESS ESMT
(HEREBY DEDICATED TO THE
CITY OF CHARLOTTESVILLE)

ZONE A FLOODPLAIN (SEE NOTE 3)

MEADOW CREEK
(EARTH BOTTOM)

APPROX. LOCATION OF
EX. 20' DRAINAGE ESMT.
DB 248 PG PG 551

N 40°02'01" E 248.61'

15.00' (TIE)

S 40°02'01" W 261.58' IRF

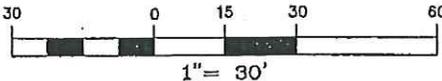
MEADOWBROOK ROAD
(30' R/W)

N 40°02'01" E 156.96' IRF

LOT A

LOT B

MEADOWBROOK HILLS
DB 229 PG 424
DB 987 PG 719



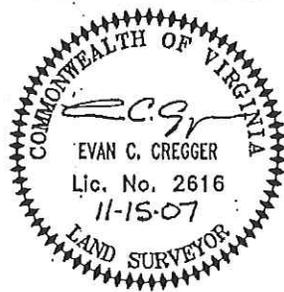
DATE: OCTOBER 24, 2007

3 OF 3

BC Consultants

Planners • Engineers • Surveyors
Landscape Architects
43 West Jubal Early Drive
Winchester, VA 22001
(540) 686-0475 (540) 686-1874 (Fax)
www.bcconsultants.com

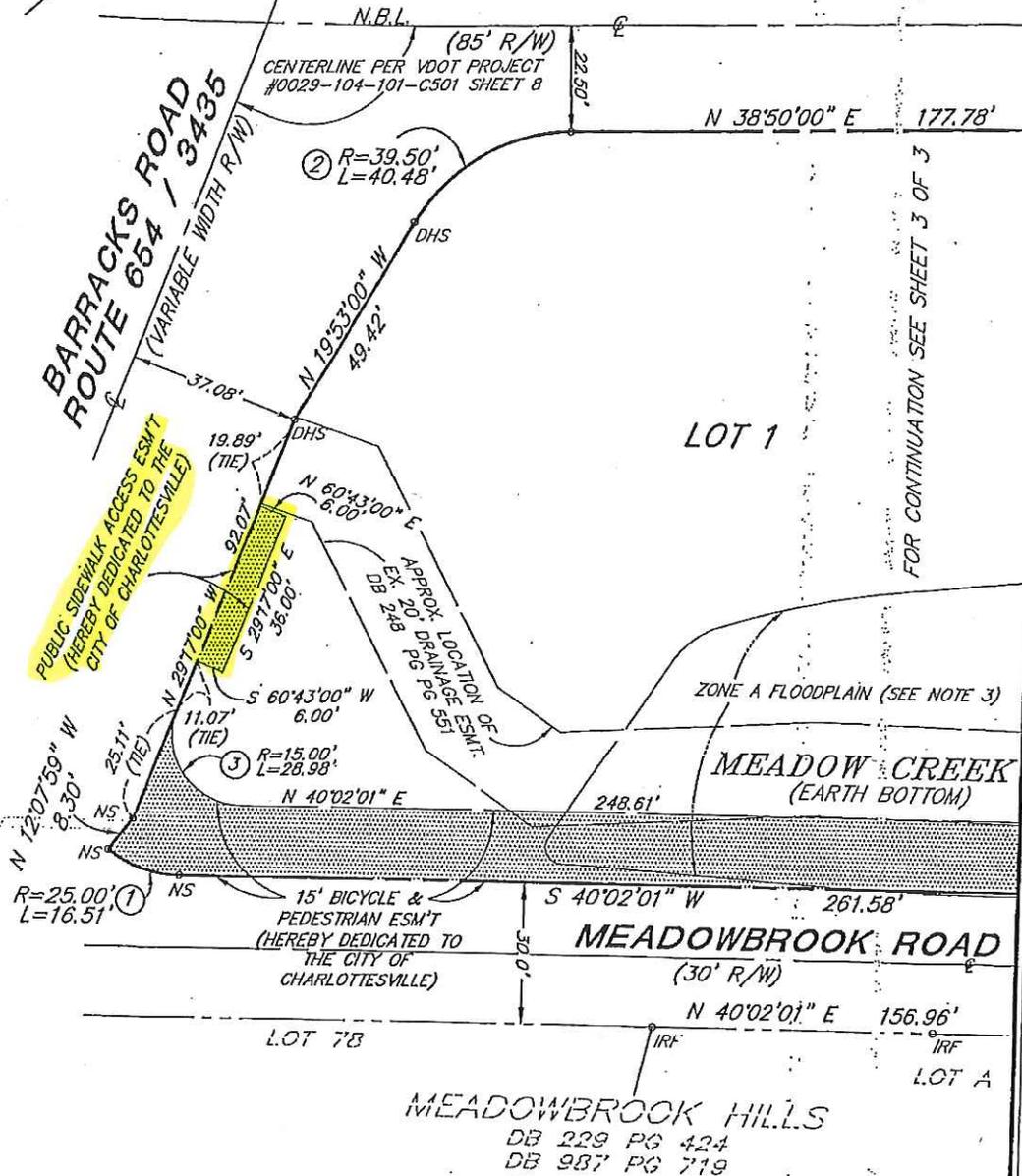
PLAT SHOWING
15' BICYCLE & PEDESTRIAN EASEMENT
AND
PUBLIC SIDEWALK ACCESS EASEMENT
LOT 1
LLOYD F. WOOD, EST.
DB 248 PG 551
CITY OF CHARLOTTESVILLE, VIRGINIA



2007 Sidewalk Easement

PLAT NORTH
DB 248 PG 551

EMMET STREET U.S. ROUTE 29



FOR CONTINUATION SEE SHEET 3 OF 3

LOT 1

ZONE A FLOODPLAIN (SEE NOTE 3)

MEADOW CREEK
(EARTH BOTTOM)

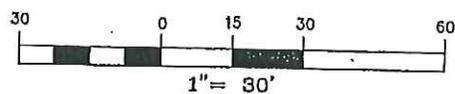
MEADOWBROOK ROAD
(30' R/W)

LOT 7B

LOT A

MEADOWBROOK HILLS

DB 229 PG 424
DB 987 PG 719

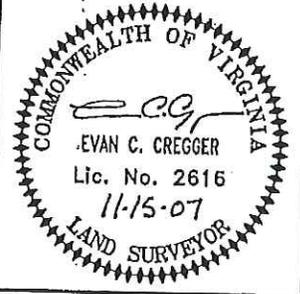


DATE: OCTOBER 24, 2007

2 OF 3

BC Consultants
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PLAT SHOWING
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AND
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LOT 1
LLOYD F. WOOD, EST.
DB 248 PG 551
CITY OF CHARLOTTESVILLE, VIRGINIA



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CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	September 6, 2016
Action Required:	Consideration of a Special Use Permit
Presenter:	Heather Newmyer, City Planner
Staff Contacts:	Heather Newmyer, City Planner
Title:	SP16-00007 – 1248 Emmet Street North – Zaxby’s restaurant and drive-through window

Background:

Applicant Request

Building Management Company (BMC), contract purchaser for property owned by CPD Properties, LLC, has submitted an application seeking approval of a Special Use Permit (SUP) to allow a drive-through window in association with a fast-food restaurant (Zaxby’s) at 1248 Emmet St N (“Subject Property”), identified on City Real Property Tax Map as 40 Parcel 2.5 (400002500). The zoning district classification of the Subject Property is Urban Corridor District (URB) with Entrance Corridor Overlay. Restaurants are allowed by right in this zoning district, but drive-through windows associated with restaurants require Council’s approval of a special use permit, per Zoning Ordinance Sec. 34-796 (Use Matrix). The site is approximately 0.7790 acres. The general usage specified in the Comprehensive Plan for the Subject Property is Mixed Use.

Proposed Use of Property

The preliminary site plan accompanying the special use permit application proposes to demolish the existing Lord Hardwicke's restaurant (3,784 SF) and construct a Zaxby's restaurant (2,391 SF). The proposed Zaxby's building fronts on Emmet St N with the drive-through order point located at the rear of the building. In addition, the application proposes a public easement to the City of Charlottesville for the future Meadowbrook Road Shared Use Path and Creek Improvements. The proposed public easement, shown on Sheet C2.1 of the preliminary site plan, covers the area from the west edge of Meadowbrook Rd to the east side of Meadow Creek, encompassing existing tree canopy (approximately 8,250 SF) and critical slope area at the rear of the property. The easement will contribute a portion of what is needed for the greater shared use path along Meadowbrook Rd. The public easement will be finalized and recorded prior to final site plan approval.

Relevant Code Sections

Zoning Ordinance

- **Section 34-541 (10) Urban Corridor– Intent and Description**

The intent of the Urban Corridor mixed-use zoning district is to continue the close-in urban commercial activity that has been the traditional development patterns in these areas. Development in this district is both pedestrian and auto oriented, but is evolving to more of a pedestrian center development pattern. The regulations provide for both a mixture of uses or single use commercial activities. It encourages parking located behind the structure and development of a scale and character that is respectful to the neighborhoods and university uses adjacent.

- **Article II. - Overlay Districts, Division 3. – Entrance Corridor Overlay Districts**

- **Section 34-306. – Purpose**

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the city's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

- **Section 34-307. – Applicability**

Subject to subsection (b), below, entrance corridor overlay districts are hereby established upon and along the following arterial streets or highways, which are deemed by the city council to be significant routes of tourist access to the city, or to designated historic landmarks, buildings, structures or districts within the city ("EC streets"):

Route 29 North from the corporate limits to Ivy Road

Entrance Corridor Guidelines

The subject parcel falls within Sub-Area B (Bypass to Barracks Road) of Corridor 1: Route 29 North from the Corporate Limits to Ivy Rd, where the Vision statement states:

“It is expected that the small scaled restaurants and businesses of this central section of the corridor will redevelop, either individually or on larger, consolidated parcels. The natural buffer of Meadow Creek at the rear of many of the existing lots on the east side creates an opportunity for outdoor eating areas or other amenities. Building designs that reflect community character are preferred over franchise design and corporate signature buildings. There are opportunities for unified landscaping along the corridor that would help enhance pedestrian connection and the character of this area as it redevelops.” (Sec. V B. Corridor 1 (p.7))

Streets That Work

The Streets That Work Guidelines categorize Charlottesville’s framework streets into six *street typologies*, which are based on Complete Streets principles. The Subject Property fronts on a segment of Emmet Street North that falls under the Mixed Use A street typology. The Mixed Use A Street Typology excerpt from Chapter 3: Street Network and Typologies of the Streets That Work Guidelines provides recommended design parameters specific to the Mixed Use A street typology (Attachment 3). To access the full Streets That Work Guidelines document, follow this link: <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>. The **two highest priority street elements** in the Mixed Use A street typology are the **sidewalk** and **curbside buffer zone**.

Discussion:

Overview of Staff Analysis

Staff reviewed the special use permit request in light of the Subject Property's current zoning (Urban Corridor District, Entrance Corridor Overlay), Streets That Work Guidelines, Entrance Corridor Guidelines, and the Comprehensive Plan. While the proposed drive-through window is predominately auto-dependent, the proposed conditions associated with the special use permit provide improvements that follow the Streets That Work guidelines, mitigate potential adverse impacts and encourage the balance between vehicular, bicycle and pedestrian traffic.

*For a more detailed review of staff's analysis, see the Staff Report dated July 28, 2016 provided at the Joint City Council and Planning Commission Public Hearing held August 9, 2016 (Attachment 2 OR follow the link: <http://bit.ly/2bkC2x0>)

Planning Commission

Leading up to the Public Hearing that occurred August 9, 2016, Planning Commissioners asked staff if the applicant had considered providing a curbside buffer, in addition to the widened sidewalk of seven (7) feet along Emmet St N, to further comply with the Streets That Work Mixed Use A street typology recommendations. The applicant brought forward an updated layout that displayed street trees acting as a buffer between Emmet St N and the sidewalk (Attachment 4). The trees are shown in grates so there is adequate space to provide a sidewalk seven (7) feet in width. Both the widened sidewalk ("clear walk zone") and curbside buffer are the highest priority street elements in the Mixed Use A street typology. See Mixed Use A street typology design parameters in Attachment 3.

The Planning Commission discussed the special use permit request at their August 9, 2016 meeting. The topics of discussion that the Commission focused on were:

- The proposed use in relation to the Comprehensive Plan
- Proposed use's effect on the pedestrian
- Parking layout and traffic flow
- Appropriate hours of operation
- Noise impact and potential ways to mitigate noise

Note: The Planning Commission, acting as the Entrance Corridor Review Board (ERB), approved the recommendation finding that the proposed special use permit to allow a drive-through window in association with the proposed Zaxby's restaurant at 1248 Emmet Street North will not have an adverse impact on the Emmet Street Entrance Corridor district. The special use permit recommendation by Entrance Corridor Review Board staff report can be found within the August 9, 2016 Planning Commission Agenda Packet (<http://bit.ly/2bkC2x0>).

Alignment with City Council’s Vision Areas and Strategic Plan:

The City Council Vision of **Economic Sustainability** states that the City has “a business-friendly environment” where “residents have access to small business opportunities.”

The project supports the City Council Vision **A Green City**, which states the City has an “extensive natural trail system, along with healthy rivers and streams.”

The project contributes to Goal 2 of the Strategic Plan, **Be a safe, equitable, thriving and beautiful community** including objective 2.5, to engage in robust and context sensitive urban planning. The project contributes to Goal 3 of the Strategic Plan, **Have a strong diversified economy including** objective 3.2, to attract and cultivate a variety of new businesses, and 3.3, grow and retain viable businesses.

Community Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on August 9, 2016.

Ms. Patricia Gibson offered support for successful business just so long as it isn’t at the expense of the neighbors. Ms. Gibson expressed gratitude for the applicant’s willingness to work with the neighbors regarding their concerns and providing information. Specific concerns Ms. Gibson mentioned included noise pollution, trash pickup and business hours. Ms. Gibson also spoke against providing outdoor seating due to safety and noise concerns.

Ms. Dena Imlay expressed concern regarding the encroachment to the Meadowbrook Hills/Rugby neighborhood.

Mr. Chris McLean expressed support stating there are properties along the corridor that are less than ideal, the current request is reasonable and Zaxby’s, providing buffers and limiting noise, will take care of the property.

Ms. Nancy Summers expressed concern regarding the impact of an additional drive-through along the Entrance Corridor.

Ms. Michelle Packer stated she does not support the drive-through window but does support the restaurant. Ms. Packer expressed concern regarding increased crime and litter

as a result of the drive-through and stated the use is not favorable for property values or the vision for the City.

Per Sec. 34-41(c)(2), the applicant held a community meeting on July 12, 2016 (a City Planner attended as a NDS representative). Per Sec. 34-821, City staff held a Site Plan Conference with the public and applicant on July 20, 2016 to gain feedback.

The applicant held an additional meeting outside of City requirements, where a Zaxby's representative was in attendance to answer questions and address neighborhood concerns. The meeting took place on July 28, 2016; both neighborhood residents and City staff were present.

At the above mentioned meetings, the public, particularly residents of the Meadowbrook Hills/Rugby neighborhood, voiced their concerns regarding:

- Noise impact of the drive-through order point (proposed at rear of building)
- Lighting
- Pedestrian Experience
- Landscaping

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

The Commission took the following action:

Mr. Clayborne moved to recommend approval of this application for a Special Use Permit in the URB zone with Entrance Corridor Overlay at 1248 Emmet St N to authorize a restaurant drive-through window with staff's recommended list of conditions, with the exception of removing the recommended condition requiring for an outdoor landscaped seating area and adding two new conditions, the first requiring an acoustical study to be provided and the second restricting business hours. The updated list of conditions is provided in the proposed Resolution. The recommended conditions focus on pedestrian access improvements, providing bicycle facilities, limiting hours of operation and refuse collection, lighting and mitigating noise.

Ms. Keller seconded the motion. The Commission voted 3-1 (Commissioner Lahendro voting no) to recommend approval of the Special Use Permit.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution (granting an SUP as recommended by the Planning Commission);
- (2) by motion, request changes to the attached Resolution, and then approve an SUP in accordance with the amended Resolution;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

Attachment:

- (1) Proposed Resolution Approving a Special Use Permit
- (2) Staff Report with Application Materials Attached, July 28, 2016
- (3) Draft Streets That Work Plan: Mixed Use A Street Typology A Design Parameters
Excerpt, May 2016
- (4) Updated Site Layout with Curbside Buffer, August 2016

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A
RESTAURANT WITH A DRIVE-THROUGH WINDOW
AT 1248 EMMET STREET NORTH**

WHEREAS, Building Management Company (“Applicant”), with the endorsement of CPD Properties, LLC (“Property Owner”) has requested City Council to approve a special use permit pursuant to City Code § 34-796, to authorize the establishment of a restaurant with a drive-through window (the proposed “Special Use”) at 1248 Emmet Street North, identified on City Tax Map 40 as Parcel 2.5 (Tax Map Parcel Id. # 400002500) (“Subject Property”). The Subject Property is within the City’s Urban Corridor (URB) Mixed Use zoning district; and

WHEREAS, the requested Special Use is generally described within the Applicant’s application materials dated June 21, 2016, submitted in connection with SP16-00007 (the “Application Materials”), and the Special Use is allowed by special use permit within the URB zoning district, pursuant to City Code 34-796; and

WHEREAS, the existing building at the Subject Property is currently vacant, and is proposed to be demolished/ removed to allow for establishment of the Special Use and related buildings and improvements; and

WHEREAS, the Planning Commission has reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on August 9, 2016, the Commission voted to recommend that City Council should approve the requested Special Use, subject to certain conditions recommended for Council’s consideration; and

WHEREAS, upon consideration of the comments received during the public hearing, and of the Planning Commission’s recommendations, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-796, a special use permit is hereby approved and granted to authorize a restaurant with a drive-through window to be established and operated on the Subject Property, subject to the following conditions:

1. Hours of operation for the drive-through window would coincide with the operations of the restaurant. The restaurant’s hours of operation shall be limited to 10 a.m. to 10 p.m. each day.
2. Noise:
 - a. A noise barrier shall be established on the island that separates the drive-through aisle from the rear parking lot. The noise barrier will meet the following

standards/ criteria: The barrier can be an opaque landscaping scheme, wall or fence and shall comply with Sec. 34-871(b) – Screen 3 (“S-3”).

- b. The proposed final site plan will include an acoustical report prepared by a professional acoustician , detailing the results of a study analyzing existing site conditions, as they relate to noise, established by taking decibel measurements at the site for 96 consecutive hours, and reporting as to whether (i) existing (“ambient”) noise conditions are less than 75 db(A) measured at points along the perimeter of the Subject Property, and (2) whether the operation of the Special Use is likely to itself generate sound in excess of 75 db(A).
 - c. No refuse collection shall be conducted at the Subject Property any day of the week, between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
3. The existing vegetative buffer (8,250 SF, along the length of the rear property line as shown on the Preliminary Site Plan titled ‘1248 Emmet Street’ dated May 24, 2016) will be maintained, and additional landscaping will be added to this buffer.
4. A traffic impact analysis shall be completed and included with submission of the proposed final site plan, at a level of detail satisfactory to the City’s Traffic Engineer. At a minimum, the traffic impact analysis shall address neighborhood traffic related concerns, access, parking, and circulation for all modes of transportation. If the results of the TIA indicate that additional traffic analysis is necessary, the Traffic Engineer may request a traffic impact study having a scope determined by the Traffic Engineer tailored to the specific proposed use and development of the subject property.
5. A sidewalk having a width of at least seven (7) feet shall be established along the entire length of the Subject Property’s frontage on Emmet Street North.
6. Bicycle storage facilities will be provided on the Subject Property: at least two (2) bicycle racks, each capable of storing two (2) bicycles. The final number and type of bicycle racks shall be reviewed and approved by the Bicycle and Pedestrian Coordinator and their location, dimensions and type shall be depicted on the final site plan for the development.
7. A continuous pedestrian connection shall be provided from the parking spaces located on the northeast side of the property to the building entrance facing Emmett Street. The dimension, location and paving materials for this connection shall be depicted on the final site plan for the development.

8. In addition to the minimum requirements of the City's outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, Sec. 34-1000 et seq.) the following enhanced lighting improvements shall be incorporated into the development: a vertical shield shall be placed on each light fixture installed on the rear half of the Subject Property. The final site plan shall depict the location of each light fixture subject to this requirement, and shall identify the type of fixture and shield that will be used to comply with this condition.

9. No demolition of existing building(s) or improvements shall be commenced prior to approval of a final site plan and approval of a permit authorizing land-disturbing activities pursuant to Sec. 10-9. For purposes of Chapter 10 of the City Code, demolition activities shall be planned and built into the E&S and stormwater management plan (if required), as part of the overall development plan for the subject property, and no such demolition activity shall be undertaken as a stand-alone activity.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

**JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC
HEARING**

DATE OF HEARING: August 9, 2016

APPLICATION NUMBER: SP-1600007

Project Planner: Heather Newmyer

Date of Staff Report: July 28, 2016

Applicant: Reid Murphy of Building Management Company (BMC)

Applicants Representative: Julia Skare, P.E. of Draper Aden Associates

Current Property Owner: Craig Dunn of CPD Properties, LLC

Application Information

Property Street Address: 1248 Emmet St N ("Subject Property")

Tax Map/Parcel #: Tax Map 40, Parcel 2.5

Total Square Footage/ Acreage Site: approximately 0.7790 acre (33,933 square feet)

Comprehensive Plan (Land Use Plan): Mixed Use

Current Zoning Classification: Urban Corridor Mixed Use District (URB) within the Entrance Corridor Overlay District per Zoning Ordinance Sec. 34-307(a)(1)

Tax Status: Parcel is up to date on taxes **paid**.

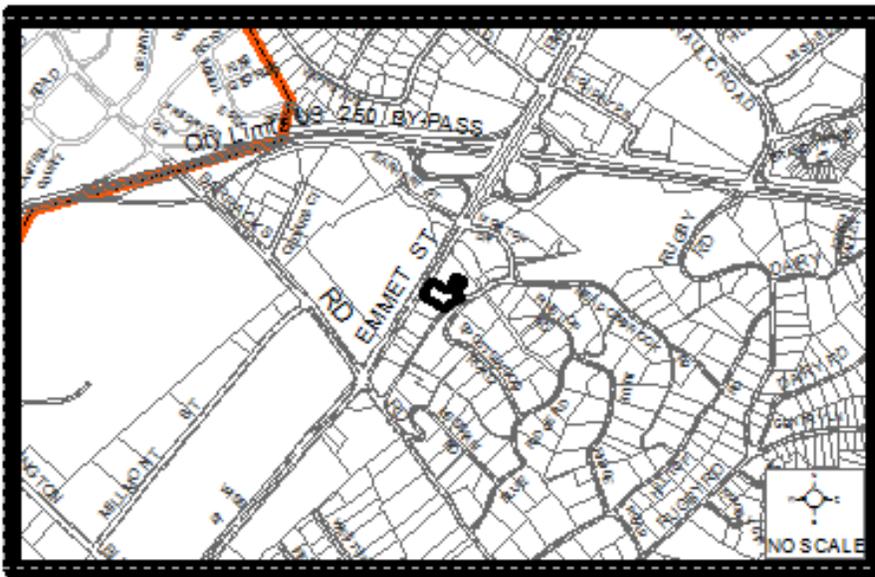
Completeness: The application contains all of the information required by Zoning Ordinance Secs. 34-41(d), and 34-158(a) and (b). There are no existing dwelling units on the site, and none are proposed by this development. Graphic materials illustrating the context of the project are attached to this staff report (Attachment B).

The community meeting required by Sec. 34-41(c)(2) was conducted on July 12, 2016, at the following location: 945 Preston Avenue.

Applicant's Request

Building Management Company (BMC), the contract purchaser for property owned by CPD Properties, LLC, has submitted an application seeking approval of a Special Use Permit (SUP) to allow a drive-through window in association with a fast-food restaurant (Zaxby's) at the Subject Property. Restaurants are allowed by right in this zoning district, but drive-through windows associated with restaurants require Council's approval of a special use permit, per Zoning Ordinance Sec. 34-796 (Use Matrix).

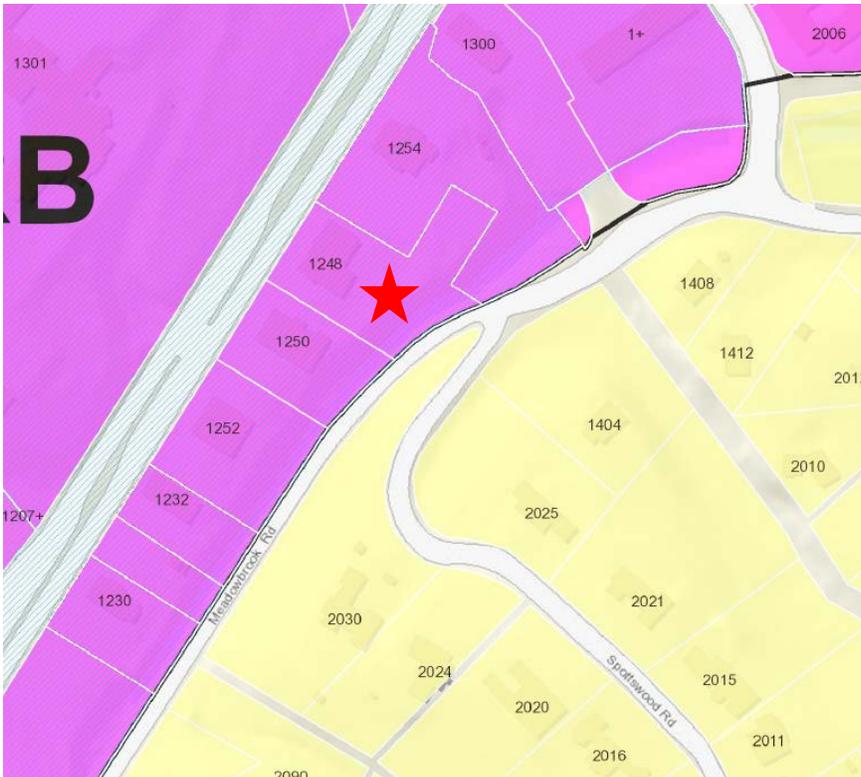
Vicinity Map



Context Map 1



Context Map 2 – Zoning Classifications



KEY - Yellow: R1, Magenta: URB, Light Blue Hash Mark: Entrance Corridor Overlay

Context Map 3 - General Land Use Plan, 2013 Comprehensive Plan



KEY – Purple: Mixed Use, Yellow: Low Density Residential, Green: Park

Standard of Review

The Planning Commission must make an advisory recommendation to the City Council concerning approval or disapproval of a Special Use Permit (SUP) for the proposed development based upon the provisions of Secs. 34-157 through 34-164. The applicant is proposing changes to the current site, and therefore is required to submit a site plan per Zoning Ordinance Secs. 34-158(a)(1) and 34-802(a).

Section 34-157 of the City Code sets the general standards of issuance for a special use permit.

In considering an application for a special use permit, the city council shall consider the following factors:

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;

- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
- a) Traffic or parking congestion;
 - b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c) Displacement of existing residents or businesses;
 - d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e) Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f) Reduction in the availability of affordable housing in the neighborhood;
 - g) Impact on school population and facilities;
 - h) Destruction of or encroachment upon conservation or historic districts;
 - i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
 - j) Massing and scale of project.
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

City Council may grant an applicant a special permit or special use permit, provided that the applicant's request is in harmony with the purposes and standards stated in the zoning ordinance (Sec. 34-157(a)(1)). Council may attach such conditions to its approval, as it deems

necessary to bring the plan of development into conformity with the purposes and standards of the comprehensive plan and zoning ordinance.

Project Review / Analysis

1. Background

This is a special use permit application request, received **June 21, 2016**, to allow for the establishment of a drive-through window in association with the proposed restaurant (Zaxby's).

Relevant Code Sections

(Ref. SUP standards, Sec. 34-157(a)(2), (a)(5), and (a)(6))

Zoning Ordinance

- Section 34-541 (10) Urban Corridor– Intent and Description

The intent of the Urban Corridor mixed-use zoning district is to continue the close-in urban commercial activity that has been the traditional development patterns in these areas. Development in this district is both pedestrian and auto oriented, but is evolving to more of a pedestrian center development pattern. The regulations provide for both a mixture of uses or single use commercial activities. It encourages parking located behind the structure and development of a scale and character that is respectful to the neighborhoods and university uses adjacent.
- Article II. - Overlay Districts, Division 3. – Entrance Corridor Overlay Districts
 - Section 34-306. – Purpose

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the city's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.
 - Section 34-307. – Applicability

Subject to subsection (b), below, entrance corridor overlay districts are hereby established upon and along the following arterial streets or highways, which are deemed by the city council to be significant routes of tourist access to the city, or to designated historic landmarks, buildings, structures or districts within the city ("EC streets"):

Route 29 North from the corporate limits to Ivy Road

Entrance Corridor Guidelines

- The subject parcel falls within Sub-Area B (Bypass to Barracks Road) of Corridor 1: Route 29 North from the Corporate Limits to Ivy Rd, where the Vision statement states:
"It is expected that the small scaled restaurants and businesses of this central section of the corridor will redevelop, either individually or on larger, consolidated parcels. The natural buffer of Meadow Creek at the rear of many of the existing lots on the east side creates an opportunity for outdoor eating areas or other amenities. Building designs that reflect community character are preferred over franchise design and corporate signature buildings. There are opportunities for unified landscaping along the corridor that would help enhance pedestrian connection and the character of this area as it redevelops." (Sec. V B. Corridor 1 (p.7))

2. Proposed Use of the Property

(Ref. SUP Standards, Secs. 34-157(a)(1), (a)(2), (a)(3), (a)(4))

The preliminary site plan accompanying the special use permit application proposes to demolish the existing Lord Hardwicke's restaurant (3,784 SF) and construct a Zaxby's restaurant (2,391 SF). The proposed Zaxby's building fronts on Emmet St N with the drive-through order point located at the rear of the building.

The application proposes a public easement to the City of Charlottesville for the future Meadowbrook Road Shared Use Path and Creek Improvements (Attachment F). The proposed public easement, shown on Sheet C2.1 of the preliminary site plan (Attachment C), covers the area from the west edge of Meadowbrook Rd to the east side of Meadow Creek, encompassing existing tree canopy (approximately 8,250 SF) and critical slope area at the rear of the property. The easement will contribute a portion of what is needed for the greater shared use path along Meadowbrook Rd. The public easement will be finalized and recorded prior to final site plan approval.

Note: The applicant requested Low Impact Development (LID) consideration as a part of the SUP Request (Attachment A; LID Checklist, LID Measure – “Other LID practices to be approved by NDS Engineer”). In the LID request, the applicant notes the impervious area of the proposed project is reduced over 10%, the above mentioned forested area of approximately 8,250 SF will be preserved, and that 35% of the site (including the preserved forested area) is pervious. Engineering staff granted one (1) point for the following reasons:

- The development is not touching that portion of the property that is within the previously undeveloped area along Meadow Creek and is dedicating an easement for its maintenance/use to the City of Charlottesville.
- Although, it is being left alone, it is of engineering staff’s opinion that there was never any intent to develop this area due to the expense of engineering something to span the creek and make this area usable, as well as the process of having to go through FEMA to fill in this area.
- As far as reducing the impervious area for the rest of the development, the 10% reduction is also being granted “credit” in the form of meeting the new Stormwater regulations and not having to do any Stormwater mitigation measures.
- There are no other “extra” LID measures going above and beyond what is already required by the Stormwater regulations.

3. Harmonious with existing patterns of use and development within the neighborhood

The pattern of development along this corridor is characterized by a mix of uses including fast-food restaurants (e.g. Arby’s, Cookout, Zaam, Bodo’s Bagels), office buildings, and a hotel (English Inn). All establishments mentioned are also zoned URB/EC. Directly behind this row of development are residential homes, zoned R-1 (Meadowbrook Hills/Rugby neighborhood).

Staff believes the proposed use of a restaurant with a drive-through window is harmonious with existing adjacent developments along the Rt. 29 URB corridor, and in Z.O. Sec. 34-541(10), the stated intent of URB is to “continue the close-in urban commercial activity that has been the traditional development pattern” in this area. However, at the time the URB district was established in 2008, the City noted in Sec. 34-541(10) that development in the area was both pedestrian and auto-oriented, but that development was “evolving to more of a pedestrian center development pattern.” The proposed restaurant drive-through window is predominately auto-dependent, and, without a balance of pedestrian improvements, will not conform to the desired future pedestrian development pattern. See the Staff Recommendation section below for further detail and proposed conditions.

4. Building code regulations

The proposed development will conform to all applicable building code regulations. Building plans are not yet available for review, but demolition of the existing structure, and construction of the proposed new structure, cannot proceed without separate applications/ review conducted by the City's Building Code Official.

5. Impact on the Neighborhood

a. Traffic or Parking Congestion

Traffic congestion: The current use of the site is proposed to change from a sit-down restaurant to a fast-food restaurant with a drive-through window. The existing restaurant has an average daily traffic count of 525 vehicle trips/day. The proposed Zaxby's development, categorized as a "fast-food restaurant with drive-through window" (Code 934) per the ITE Generation Manual, is anticipated to have 1,500 vehicle trips/day (145 a.m. peak hour; 100 p.m. peak hour).

VDOT's 2015 Annual Average Daily Traffic (AADT) Volume Estimates indicates the volume of traffic on this segment of U.S. 29 (Emmet St) is 61,000 vehicles per day. The project narrative states that given the current volume of traffic on Emmet St, the applicant does not anticipate a significant increase in traffic based on this use.

The site layout proposes to utilize the existing ingress and egress onto Emmet St N. The proposed site layout maintains there being no access onto Meadowbrook Rd, and, further, is proposing to dedicate the rear portion of the property that abuts Meadowbrook Rd as a public easement to the City of Charlottesville for a future shared use path along Meadowbrook Rd.

The proposed layout accommodates seven (7) vehicles in the drive through (including the vehicle at the window) before vehicles would locate in the side parking lot.

Parking: Per Sec. 34-984, a restaurant with drive-through window requires one (1) space per 125 SF of public floor area and one (1) space per 400 SF of non-public floor area. The proposed Zaxby's restaurant (2,931 SF: 1,500 SF public floor area + 1,431 SF non-public floor area) requires sixteen (16) spaces and is proposing thirty-five (35) spaces including two (2) handicap spaces. Parking is

located on the side and predominately the back of the building, consistent with the pattern of development encouraged by Z.O. 34-541(1).

b. Noise, light, dust, odor fumes, vibrations, and other factors which adversely affect the natural environment, including quality of life of the surrounding community.

The proposed use of a drive-through window will produce noise as a result of the order station for the drive-through window. The proposed drive-through order point is at the rear of the proposed building, which is the side of the Subject Property that faces the residential district on the opposite side of Meadowbrook Road. The applicant's narrative states in order to mitigate the impact of the drive through, the newly constructed building is proposed to be as far forward as possible on site and the existing stand of trees along the east edge of the parking lot will be preserved as a natural buffer. These are the same stand of trees that fall within the proposed public easement.

Proposed lighting on site will have to comply with Z.O. Sec. 34-1003:

- Light fixtures that emit three thousand (3,000) or more maximum lumens shall be full cutoff.
- No outdoor luminaire situated within or immediately adjacent to any low density residential district shall be mounted or placed at a location more than twelve (12) feet in height.
- No outdoor luminaire shall be mounted or placed at a location that is more than twenty (20) feet in height
- The spillover light from luminaires onto public roads and onto property within any low-density residential district shall not exceed one-half (1/2) foot candle.
- All outdoor luminaires regardless of the number of lumens, shall be arranged or shielded to reflect light away from adjoining low density residential districts.

The application does not offer any special lighting fixtures or arrangements, above or beyond the minimum requirements of the Z.O. other than those lighting fixtures proposed at the rear of the Subject Parcel that are in closest proximity to the adjacent residential neighborhood. Staff proposes as a condition the addition of a vertical shield to those light fixtures at the rear of the property to protect the adjacent residential neighborhood.

c. Displacement of existing residents or businesses.

This use will not displace businesses, as the site is currently vacant.

d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base.

The proposed use will provide for local jobs and will not cause a discouragement of economic development activities.

e. Undue density of population or intensity of use in relation to the community facilities existing or available.

The proposed use does not add significantly to the site to place an undue burden on community facilities.

f. Reduction in the availability of affordable housing which will meet the current and future needs of the city.

N/A.

g. Impact on school population and facilities.

N/A.

h. Destruction of or encroachment upon conservation or historic districts.

The final design of the proposed development is subject to entrance corridor design review, which will be conducted pursuant to Z.O. Sec. 34-306 et seq., after consideration of the SUP has been completed.

i. Conformity with federal, state and local laws.

The proposed use will comply with federal, state and local laws. This is ensured through final site plan and ERB approvals.

j. Massing and scale of the project.

The massing and scale of the proposed building is smaller than the existing building on site (3,784 SF); the proposed building's size complements neighboring buildings with a proposed size of 2,931 SF and height of approximately 24' (60' allowed in URB).

Note: The final design of the proposed development is subject to review by the Entrance Corridor Review Board (ERB).

6. Zoning History

In 1949 the property was zoned “A-1” Residential District.

In 1958 the property was zoned “B-1” Business District.

In 1976 the property was zoned “B-2” Business District.

7. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Government	URB, EC Overlay
South	Single-Family House	R-1
East	Fast Food with Drive-Through	URB, EC Overlay with SUP
West	Restaurant	URB, EC Overlay

8. Reasonableness / Appropriateness of Current Zoning

The current URB zoning is reasonable and appropriate because of the site’s location along Emmet St N, a mixed-use, commercial corridor.

9. Reasonableness/Appropriateness of Proposed Zoning

Staff believes the request for a special use permit to allow for a restaurant drive-through can be viewed as appropriate for this particular commercial corridor due to the volume of daily traffic along Emmet St N; however, staff recommends that any approval of the proposed development should be contingent on certain development conditions that 1) mitigate potential adverse impacts and 2) incorporate context sensitive design that conforms with the URB intent, Sec. 34-541(10): “...Development in this district is both pedestrian and auto-oriented, but is evolving to more of a pedestrian centered development pattern.” See Staff Recommendation section below for recommended conditions.

10. Below are areas where the development complies with the Comprehensive Plan

a. Economic Sustainability

Goal 2 – Sustaining Business

Generate, recruit and retain successful businesses.

**Zaxby’s is a franchised chain of “fast casual restaurants” that first opened in Georgia and has now over 800 locations. If Zaxby’s is established at the proposed location, this site will continue to serve as the site for a business/ restaurant.*

b. Land Use

Goal 2 - Mixed Use

2.2: Enhance pedestrian connections between residences, commercial centers, public facilities, amenities and green spaces.

** The application proposes a public easement to the City of Charlottesville for the future Meadowbrook Road Shared Use Path and Creek Improvements (Attachment F). The proposed public easement, shown on Sheet C2.1 of the preliminary site plan, covers the area from the west edge of Meadowbrook Rd to the east side of Meadow Cree, encompassing existing tree canopy (approximately 8,250 SF) and critical slope area at the rear of the property. The easement will contribute a portion of what is needed for the greater shared use path along Meadowbrook Rd proposed by City of Charlottesville's Parks and Recreation Department.*

c. Environment

Goal 3 - Urban Landscape & Habitat Enhancement

3.2 Provide an interconnected system of green space and buffers along streams to improve water quality and wildlife and bird habitat.

**The applicant is preserving the existing vegetative buffer to Meadow Creek (approximately 8,250 SF). The Parks Department is working to acquire lands along stream corridors in this area for restoration and future pedestrian connections.*

11. Below are areas where the development is inconsistent with the Comprehensive Plan

a. Transportation

Goal 2 – Land Use and Community Design

2.1: Provide convenient and safe bicycle and pedestrian connections between new and existing residential developments, employment areas and other activity centers to promote the option of walking and biking.

**The application/ site plan does not include bicycle parking and the proposed pedestrian layout has room for improvement in order that there is adequate connectivity throughout the site. Please see the Staff's Recommendation section below for further detail.*

b. Land Use

Goal 3 – Public Space

3.2: Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential areas. Provide opportunities for nodes of activity to develop, particularly along mixed-use corridors.

**There is opportunity for inclusion of design elements that could balance the proposed auto-dependent use by supporting pedestrian activity along Emmet Street North and the adjacent residential neighborhood. The application does not currently contain a specific*

proposal addressing this Land Use Goal—see applicant’s comprehensive plan analysis (Attachment B), submitted pursuant to Z.O. Sec. 34-157(d)(2). Please see also the Staff’s Recommendation section below for further detail.

Public comments Received

Per Sec. 34-41(c)(2), the applicant held a community meeting on July 12, 2016 (a City Planner attended as a NDS representative). Per Sec. 34-821, City staff held a Site Plan Conference with the public and applicant on July 20, 2016 to gain feedback.

Please note the applicant held an additional meeting outside of City requirements, where a Zaxby’s representative was in attendance to answer questions and address neighborhood concerns. The meeting took place on July 28, 2016; both neighborhood residents and City staff were present.

The public, particularly residents of the Meadowbrook Hills/Rugby neighborhood, voiced their concerns regarding:

- Noise impact of the drive-through order point (proposed at rear of building)
- Lighting
- Pedestrian Experience
- Landscaping

Staff recommendation

Staff recommends the Planning Commission focus, in particular, on the following items during review: traffic, noise and lighting, the pedestrian experience, and sense of place.

Traffic

Because the site’s access is limited to Emmet St (no access is being proposed onto Meadowbrook Rd) and given the current load of traffic along Emmet St according to VDOT’s AADT (61,000 vehicles/day), staff anticipates that the addition of this restaurant/ drive-through window will not likely create a significant impact. Please note the Traffic Engineer has requested the impact on adjacent Emmett Street (Rt. 29) be reviewed based on data presented within a Traffic Impact Analysis (TIA). Staff recommends that the preparation and submission of a TIA be required as a condition of approval, and suitable measures taken on-site, as part of the final site plan approval, as may be necessary to manage impacts created by this development at this site.

Staff does want to note if this special use permit were approved, there would be a total of three (3) drive-through restaurants along this stretch (Cookout, Arby’s and the proposed Zaxby’s).

Noise and Lighting

Staff is concerned with the location of the drive-through order point and its potential impact on the adjacent residential neighborhood. The drive-through order point is proposed at the rear of the building (see sheet C 2.0 of the preliminary site plan (Attachment C)), and, according to the applicant, has been located there as opposed to the side of the building to ensure adequate queue length.

Neighborhood residents expressed concern that, while the existing vegetation located at the rear of the property will act as a natural sound buffer, there is still potential for the noise to impact those residences in closest proximity along Meadowbrook Rd.

Staff and members of the Meadowbrook Hills/Rugby neighborhood have asked the applicant to consider placing a sound barrier in the island that divides the drive-through window aisle from the dumpster pad/rear parking lot. The applicant was amenable to that solution and, in addition, suggested augmenting the existing stand of trees with increased landscaping to provide an enhanced buffer. These items have been added as proposed conditions.

In regards to lighting, there is a recommended condition that asks there be a vertical shield installed on each light fixture installed at the rear of the property, closest in proximity to the adjacent low-density residential properties.

Pedestrian Experience

The site layout has opportunity to support pedestrian and bicycle traffic along Emmet St N and the adjacent residential neighborhood.

Section III (Guidelines for Sites) of the Entrance Corridor Guidelines states:

“Create a complete pedestrian pathway system within a site and between adjacent sites, linking all buildings, parking areas and green spaces. Ensure that this network connects to any nearby public pedestrian pathway.”

While staff commends the applicant for supporting the future pedestrian connection along Meadowbrook Rd by offering a public easement along the rear of the subject property, staff believes that the proposed development creates a need for improved connectivity within the site. The current proposed site layout does not include a pedestrian connection that links the bulk of parking provided on the northeast side of the property to the building entrance. Staff has recommended a condition to include this connection.

Bicycle parking is not required for this specific development; although, can be provided for parking reduction per Sec. 34-985(b)(3). Staff has recommended a condition to include bicycle parking in order to support bicycle traffic along Emmet Street, further mitigating the development's impact.

Both the Entrance Corridor Guidelines (Sec. II C. Pedestrian Routes (p.7)) and the Streets That Work Guidelines recommend a larger sidewalk along Emmet Street North. The Streets That Work Guidelines categorize Charlottesville's framework streets into six *street typologies*, which are based on Complete Street principles. The subject parcel fronts on a segment of Emmet Street North that falls under the Mixed Use A street typology. The Mixed Use A Street Typology excerpt from Chapter 3: Street Network and Typologies of the Streets That Work Guidelines (Attachment G) provides recommended design parameters specific to the Mixed Use A street typology. To access the full Streets That Work Guidelines document, follow this link: <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>). Under the Mixed Use A street typology, the sidewalk is listed as a highest priority street element and it is recommended there is > 7' clear walk zone. Staff has recommended a condition to extend the existing 5' sidewalk on Emmet St N to a width that conforms to both the Streets That Work Guidelines and Entrance Corridor Guidelines.

Sense of Place

Section III (Guidelines for Sites) of the Entrance Corridor Guidelines states:

“Create a Sense of Place - ...Building arrangements, uses natural features, and landscaping should contribute, where feasible, to create an exterior space where people can interact.”

The proposed drive-through window and the current site layout creates an auto-dependent environment. Staff and members of the Meadowbrook Hills/Rugby neighborhood have asked the applicant to consider incorporating a landscaped outdoor eating area to accommodate the proposed restaurant, engage pedestrians, and create a space for customers who opt to dine at the location. Staff believes creating an exterior space where people can interact will balance the proposed auto-dependent use of a drive-through window. The applicant is amenable to the suggestion of an outdoor eating area.

Staff recognizes the desire to locate a restaurant with a drive-through window in this area of the City in light of the high volume of traffic that occurs along this corridor. Staff believes the proposed use is appropriate if there are suitable conditions put in place to mitigate potential adverse impacts and that encourage the balance between vehicular, bicycle and pedestrian traffic, moving away from the standard drive-through restaurant model.

Recommended Conditions

Staff recommends that the application be approved with the following conditions:

1. A noise barrier shall be established on the island that separates the drive-through aisle from the rear parking lot. The noise barrier will meet the following standards/ criteria: The barrier can be an opaque landscaping scheme, wall or fence and shall comply with Sec. 34-871(b) – Screen 3 (“S-3”).
2. No refuse collection shall be conducted at the Property any day of the week, between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
3. Additional landscaping will be provided and maintained within the existing vegetative buffer (shown on the Preliminary Site Plan titled ‘1248 Emmet Street’ and dated May 24, 2016 as being 8,250 SF, along the length of the rear property line).
4. A traffic impact analysis shall be completed and included with submission of the proposed final site plan, at a level of detail satisfactory to the City’s Traffic Engineer. At a minimum, the traffic impact analysis shall address neighborhood traffic related concerns, access, parking, and circulation for all modes of transportation. If the results of the TIA indicate that additional traffic analysis is necessary, the Traffic Engineer may request a traffic impact study having a scope determined by the Traffic Engineer tailored to the specific proposed use and development of the subject property.
5. A sidewalk having a width of at least seven (7) feet shall be established along the entire length of the Subject Property’s frontage on Emmet St North.
6. A landscaped outdoor seating area shall be provided for use accessory to the restaurant, located at the front of the property. The location and dimensions of this area shall be depicted on the final site plan for the development.
7. Bicycle storage facilities will be provided on the Subject Property, no fewer than two (2) bicycle racks. The final number and type shall be reviewed and approved by the Bicycle and Pedestrian Coordinator and their location, dimensions and type shall be depicted on the final site plan for the development.
8. A continuous pedestrian connection shall be provided from the parking spaces located on the northeast side of the property to the building entrance facing Emmett Street. The dimension, location and paving materials for this connection shall be depicted on the final site plan for the development.

2. I move to recommend denial of this application for a Special Use Permit to authorize a restaurant drive-through window at 1248 Emmet St N.

Attachments

- A. Special Use Permit Application received June 21, 2016
- B. Special Use Permit Project Proposal Narrative received June 21, 2016
- C. Preliminary Site Plan dated May 24, 2016
- D. Building Elevations and Lighting Documentation
- E. Community Meeting Documentation
- F. Meadowbrook Road Future Shared Use Path and Creek Improvements Map
- G. Draft Streets That Work Plan Excerpts, May 2016



City of Charlottesville

Application for Special Use Permit

Project Name: 1248 Emmet Street

Address of Property: 1248 Emmet Street - Charlottesville, VA

Tax Map and Parcel Number(s): 400002500

Current Zoning District Classification: URB

Comprehensive Plan Land Use Designation: Mixed-Use

Is this an amendment to an existing SUP? No

If "yes", provide the SUP #: _____

Applicant: BMC Attn: Reid Murphy

Address: 400 Locust Avenue, Suite 3, Charlottesville, VA 22902

Phone: 434-977-6400 Email: reid@bmc.com

Applicant's Role in the Development (check one):

Owner Owner's Agent Designer Contract Purchaser

Owner of Record: CPD Properties LLC Attn: Craig Dunn

Address: 1248 Emmet Street, Charlottesville, VA 22903

Phone: 434-295-6668 Email: cdunnol@msn.com

Reason for Special Use Permit:

Additional height: _____ feet

Additional residential density: _____ units, or _____ units per acre

Authorize specific land use (identify) _____

Other purpose(s) (specify City Code section): Restaurant drive-through (34-480)

(1) Applicant's and (2) Owner's Signatures

(1) Signature _____ Print _____ Date _____

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____

(2) Signature Craig P. Dunn Print CRAIG P. DUNN Date 5/19/16

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____



City of Charlottesville

Pre-Application Meeting Verification

Project Name: 1248 Emmet St. N

Pre-Application Meeting Date: January 15, 2016

Applicant's Representative: _____

Planner: Heather Newmyer

Other City Officials in Attendance: City
Brennen Duncan, Assistant Engineer

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. Project Proposal narrative

2. traffic impact narrative (and other infrastructure impacted)

3. concept plan (illustrative)

4. _____

5. _____

Planner Signature: _____

Heather Newmyer

1-14-2016



City of Charlottesville

Application Checklist

Project Name: 1248 Emmet Street

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities))
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature Reid A. Murphy Print Reid A. Murphy Date 5/24/16

By Its: Manager

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



City of Charlottesville

Community Meeting

Project Name: 1248 Emmet Street.

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted _____, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: BMC - Attn: Reid Murphy

By:

Signature Reid A. Murphy Print Reid A. Murphy Date 5/24/16

Its: Manager (Officer, Member, Trustee, etc.)



City of Charlottesville

Owner's Authorizations

(Not Required)

Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: *Craig P. Dunk* CPD PROPERTIES LLC Date 5-19-16

By (sign name): *Craig P. Dunk* Print Name: CRAIG P. DUNK

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: _____

Name of Corporate or other legal entity authorized to serve as agent: _____

Owner: _____ Date: _____

By (sign name): _____ Print Name: _____

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest" of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Reid Murphy Address 2011 Catlin Road, C'ville, VA
~~400 Locust Ave~~

Name Robby Noll Address 37 Old Farm Road, C'ville, VA

Name Ian Wren Address 2242 Taylor's Gap Road, C'ville, VA

Name _____ Address _____

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: BMC - Attn: Reid Murphy

By:

Signature Reid Murphy Print Reid A. Murphy Date 5/24/16

Its: Manager (Officer, Member, Trustee, etc.)



City of Charlottesville

Fee Schedule

Project Name: 1248 Emmet St.

Application Type	Quantity	Fee	Subtotal
Special Use Permit (Residential)		\$ 1,500	
Special Use Permit (Mixed Use/Non-Residential)	1	\$ 1,800	\$1,800 ⁰⁰
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
TOTAL			\$1,800 ⁰⁰

Office Use Only

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____



City of Charlottesville

LID Checklist

Project Name: 1248 Emmet

LID Measure	LID Checklist Points	Points
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	φ
Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. ² or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	φ
Shared parking (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	φ
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	φ
Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.	φ
Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. ² .	8 points or 1 point for each 10% of lots treated.	φ
Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	φ
Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	φ
Green rooftop to treat ≥ 50% of roof area	8 points	φ
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points	see memo
Off-site contribution to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	φ
Total Points		

Attached

Applicant's Signature

Signature 

Print Reid A. Murphy

Date 6/21/16



Draper Aden Associates

Engineering • Surveying • Environmental Services

Memorandum

To: City of Charlottesville
From: Julia W. Skare
Date: June 20, 2016
Project Name: 1248 Emmet Street
Project Number: C15144C-01
Subject: LID
cc: Reid Murphy, BMC Inc.

Items for LID Consideration:

Existing impervious area reduced over 10%, from 25,288 SF to 22,183 SF

A significant forested area-approximately 8,250 SF- is remaining to act as a buffer to the rear of the building and proposed drive-thru.

In combination with the above noted forested area approximately 35% of the site is pervious.

Please consider these improvements as a contribution to LID given the size of the parcel and the connections to adjacent parcels which limits design options.

February 16, 2007

Heather Newmyer
Neighborhood Planner
Neighborhood Development Services
City of Charlottesville
P.O. Box 911 -- 610 East Market St

**Re: 1248 Emmet Street (TMP # 400002500)
Special Use Permit (SUP)**

Dear Ms. Newmyer,

This narrative intends to meet the obligations of Section 34-157 & 158 of the Charlottesville, Virginia - Code of Ordinances as they pertain to the application for and issuance of a Special Use Permit for a drive-through window for a Zaxby's restaurant at 1248 Emmet Street. This letter addresses the project's compatibility with existing use patterns, conformity with the Comprehensive Plan, and compliance with all relevant building codes. It also speaks to some of the known concerns of the adjacent neighborhood and our efforts to mitigate any potential adverse impacts. In order to demonstrate comprehensive attention and compliance, the comments below are organized by the relevant section of the Code of Ordinances.

Section 34-157(a)(1): Patterns of Use

The north-bound side of Emmet Street between Barracks Road and the 250 Bypass has historically and continues to feature fast-food and fast-casual restaurants with its northern limits marked by One Morton Drive offices and, of course, Bodo's. The proposed retail strip at the corner of Barracks Rd. and Emmet St. (1200 Emmet Street) and the car wash at 1300 Emmet St. promise to bring needed vitality to one of Charlottesville's important commercial corridors that has to some degree languished compared to neighboring commercial uses.

The size and mass of the proposed use along with the fact that we have moved the structure as far forward on the site as possible helps create a human scale that is appropriate for this location. I have included an image of the proposed building on the site to illustrate context.

Use for the restaurant is, of course, allowed by the Code. It's the drive through window that requires the SUP. Our concept is consistent with Arby's and Cook-Out, both of which already have drive-through windows, and the recently approved car wash at 1300 Emmet. It is worth noting that our property does not have access directly to Meadowbrook Drive, which is quite a significant difference from 1300 Emmet St.

Section 34-157(a)(2): Comprehensive Plan

The Comprehensive Plan identifies the property and its commercial surroundings as Mixed Use. Even though Zaxby's business plan requires a drive-through window, it's more of a fast-casual style encouraging patrons to eat in their dining room and choose from a selection of salads, sandwiches, and, of course, chicken. We intend to plant street trees along

Emmet to soften and improve the pedestrian experience. Other potential pedestrian improvements along Meadowbrook Dr. are mentioned below.

Section 34-157(a)(3): Building Codes

Zaxby's has its own architectural services team with multiple building prototypes (all with drive through). All building plans submitted will meet or exceed USBC requirements. Elevations of the specific building prototype are included in the submittal package.

Section 34-157(a)(4): Potential Adverse Impacts

We are fully aware of the recent applications for the redevelopment of both 1200 & 1300 Emmet St. At BMC we always want to understand and respect the existing fabric and context as part of our plan for development. We understand that the neighbors along Meadowbrook Road are concerned about the light and noise that spill over from the Highway 29 commercial corridor. In order to mitigate the impact of the drive through, we have moved the building as far forward as possible on the site and are leaving and maintaining the existing stand of trees along the east edge of the parking lot to provide a buffer.

The elevation of our site is approximately 444'. The elevation of Meadowbrook Road is approximately 428'. The closest residence is actually on Spotswood Road at elevation 464', which is 20' higher than our site with significant tree cover in between. Certainly these factors will help mitigate impact of any potential noise and light.

Section 34-158(a)(6): Other pertinent Information

In May we initiated conversation with Chris Gensic, Park & Trail Planner, about the City's hopes for a sidewalk or trail along Meadow Creek. We are showing on our preliminary site plan submittal an area to be dedicated to the City for this purpose, the details of which need to be finalized.

Traffic Narrative (with attachments)

The proposed development for a Zaxby's includes 35 parking spaces (2 ADA) and anticipates 1,500 vehicle trips/day. The existing restaurant use had 45 parking spaces and 525 vehicle trips/day based on the restaurant type. The volume of traffic on this segment of Highway 29 (Emmet Street) per VDOT records is 61,000 vehicles per day. Given the current volume of traffic on Highway 29 we do not anticipate a significant increase in traffic based on this use.

Thank you for your consideration. Please contact me via email at reid@tbmcom.com or via phone at 977-6406 with any questions or requests.

Reid A. Murphy



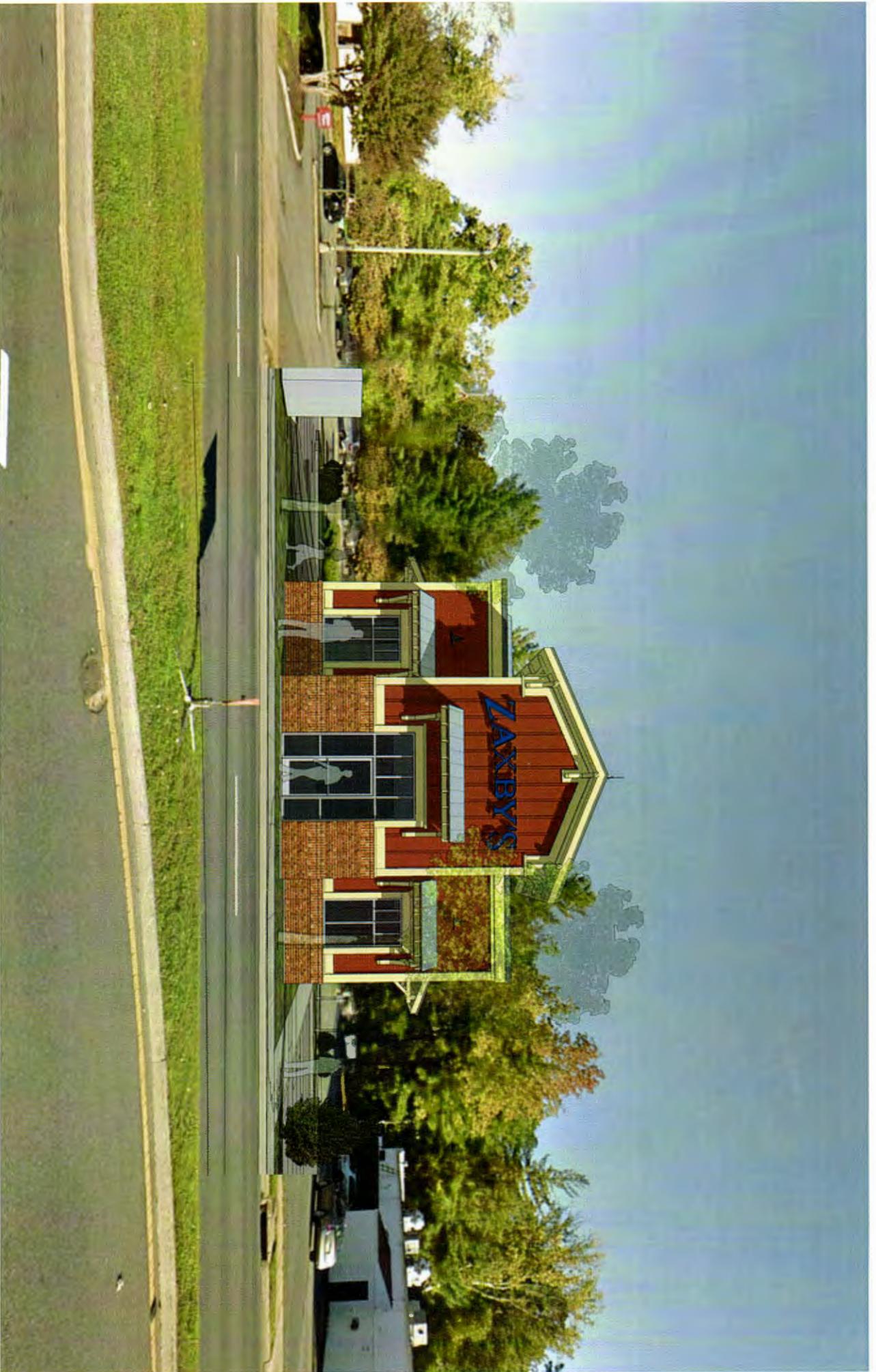
Pres. of Development
BMC



400 Locust Ave., Suite 3
Charlottesville, VA 22902
434.977.6400
www.tbmcom.com



zaxby_view1_s.psd



zaxby_view2_s.psd



zaxby_view3_s.psd

Virginia Department of Transportation
 Traffic Engineering Division
 2015
 Annual Average Daily Traffic Volume Estimates By Section of Route
 Primary and Interstate Routes

Jurisdiction	Length	AADT	QA	4Tire	Bus	-----Truck-----				QC	K Factor	QK	Dir Factor	AAWDT	QW
						2Axle	3+Axle	1Trail	2Trail						
From: 02-708 Red Hill Rd Albemarle County	6.17	19000	F	89%	1%	1%	1%	8%	1%	F	0.088	0.611	18000	F	
From: I-64 Albemarle County	0.36	50000	F	89%	1%	1%	1%	8%	1%	F	0.102	0.689	48000	F	
From: BUS US 29 Fontaine Ave S of Charlottesville Albemarle County	1.52	48000	F	89%	1%	1%	1%	8%	1%	F	0.099	0.607	47000	F	
From: US 250 Ivy Rd Bus US 250 Ivy Rd Albemarle County	1.98	51000	F	97%	0%	1%	1%	2%	0%	F	0.098	0.531	54000	F	
From: WCL Charlottesville City of Charlottesville	0.35	38000	G	97%	0%	1%	1%	2%	0%	F	0.096	0.536	40000	G	
From: Bus US 29 US 250, Bus US 29 City of Charlottesville	0.37	61000	G	97%	0%	1%	1%	2%	0%	F	0.083	0.527	64000	G	
From: NCL Charlottesville Albemarle County	1.70	57000	F	97%	0%	1%	1%	2%	0%	F	0.081	0.534	60000	F	
From: 02-631 Rio Rd Albemarle County	3.11	51000	F	97%	0%	1%	1%	2%	0%	F	0.088	0.581	53000	F	
From: 02-1520 Hollymeade Dr Albemarle County	1.01	44000	F	97%	0%	1%	1%	2%	0%	F	0.1	0.56	46000	F	
From: 02-649 Airport Rd, Profit Rd Albemarle County	1.80	38000	A	97%	0%	1%	1%	2%	0%	C	0.1	0.56	39000	A	
From: 02-1510 Camelot Dr Albemarle County	2.89	33000	F	97%	0%	1%	1%	2%	0%	F	0.089	0.637	35000	F	
From: Greene County Line Albemarle County Line Greene County	3.21	29000	G	97%	0%	1%	1%	2%	0%	F	0.086	0.639	31000	G	
From: US 33 Spotswood Trail Greene County	3.68	17000	G	94%	1%	1%	1%	4%	0%	F	0.086	0.521	15000	G	
From: Madison County Line Greene County Line Madison County	5.57	16000	A	94%	1%	1%	1%	4%	0%	C	0.113	0.595	15000	A	
From: SR 230 Wolfstown-Hood Rd Madison County	0.52	20000	G	94%	1%	1%	1%	4%	0%	F	0.078	0.512	19000	G	
From: SR 230, SR 231 Orange Rd Madison County	1.34	20000	G	94%	1%	1%	1%	4%	0%	F	0.078	0.538	18000	G	
From: Bus US 29 South of Madison Madison County	2.02	17000	G	94%	1%	1%	1%	4%	0%	F	0.076	0.520	16000	G	
From: Bus US 29 North of Madison Madison County	3.16	16000	G	94%	1%	1%	1%	4%	0%	F	0.079	0.514	15000	G	
From: 56-607 Ridgeview Rd; Lillards Ford Rd															

Fast-Food Restaurant with Drive-Through Window (934)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

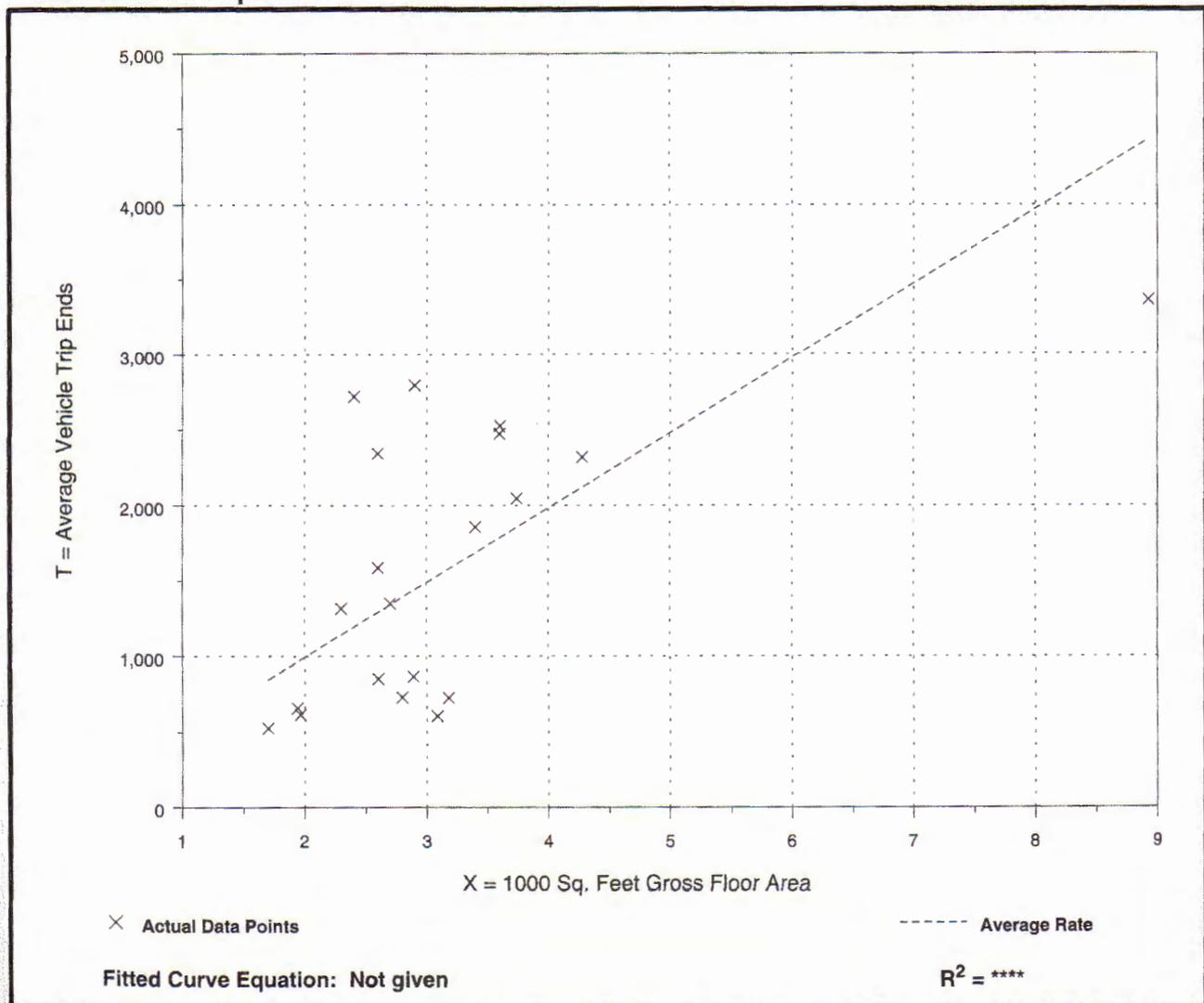
Number of Studies: 21
Average 1000 Sq. Feet GFA: 3
Directional Distribution: 50% entering, 50% exiting

2931 SF
1500 VTD

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
496.12	195.98 - 1132.92	242.52

Data Plot and Equation



Land Use: 932

High-Turnover (Sit-Down) Restaurant

Description

This land use consists of sit-down, full-service eating establishments with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours per day. These restaurants typically do not take reservations. Patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for their meal after they eat. Some facilities contained within this land use may also contain a bar area for serving food and alcoholic drinks. Quality restaurant (Land Use 931), fast-food restaurant without drive-through window (Land Use 933), fast-food restaurant with drive-through window (Land Use 934) and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the a.m. peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the a.m. peak hour of the adjacent street traffic were removed from the database.

Vehicle occupancy ranged from 1.39 to 1.69 persons per automobile on an average weekday. The average for the sites surveyed was approximately 1.52.

Five sites submitted for inclusion in this land use indicated the presence of an on-site pick-up window. From the limited data sample, it does not appear that the presence of a pick-up window had a significant impact on trip generation.

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

The sites were surveyed between the 1960s and the 2000s throughout the United States.

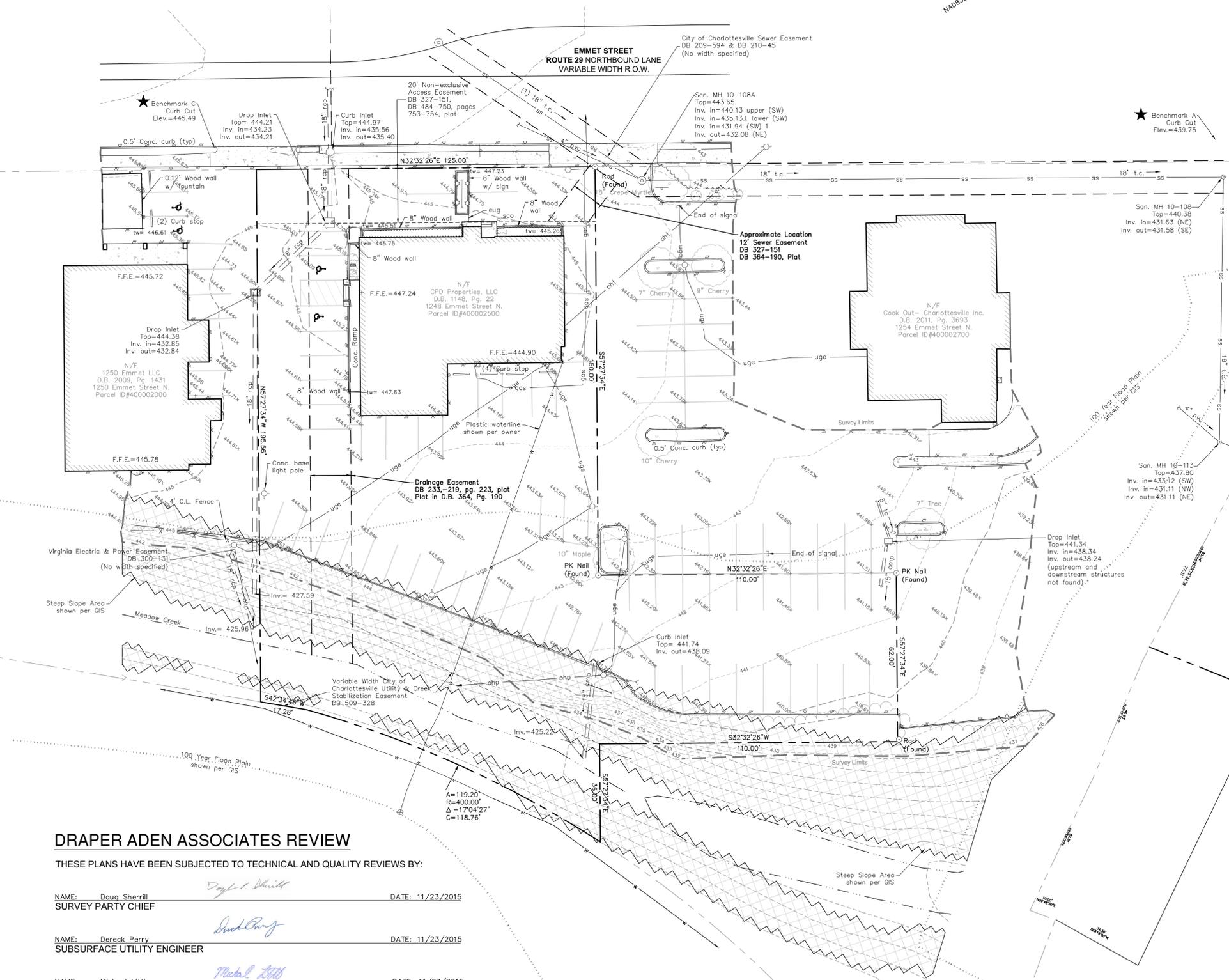
Source Numbers

2, 4, 5, 72, 90, 100, 126, 269, 275, 280, 300, 301, 305, 338, 340, 341, 358, 384, 424, 432, 437, 438, 444, 507, 555, 577, 589, 617, 618

NOTES:

- Source of Meridian: NAD83 based upon (CORS2011) GPS Observation.
- Vertical datum: NAVD88 based upon (CORS2011) GPS Observation.
- This survey was prepared in conjunction with a Preliminary Report provided by Old Republic File No. 15008797 which lists the following easements:
 - Virginia Power Easement recorded in DB 300-131 - shown hereon.
 - Temporary Easements, Drainage Easement recorded in DB 233-337 - on adjacent properties.
 - Plat recorded in DB 484-753 - No easements shown on plat.
 - Sewer Agreement recorded in DB 327-151 - shown hereon.
 - Water Agreement recorded in DB 233-219 - Deed does not include a water agreement, but grants a drainage easement shown hereon.
 - Variable Width Utility and Creek Stabilization Easement recorded in DB 509-328 - shown hereon.
 - Virginia Public Service Authority Easement recorded in DB 214-416 - Blanket Easement.
 - Virginia Public Service Authority Easement recorded in DB 210-593 - Blanket Easement.
 - City of Charlottesville Sewer Easement recorded in DB 210-45 and shown hereon.
 - City of Charlottesville Sewer Easement recorded in DB 209-594 and shown hereon.
 - Virginia Western Power Company Easement recorded in DB 192-230 - Blanket Easement.
 - Virginia Western Power Company Easement recorded in DB 186-429 - Blanket Easement.
 - Virginia Western Power Company Easement recorded in DB 186-74 - Blanket Easement.
- Utilities shown are based upon:
 - SUE Quality Level D, ASCE 38-02 - compiled records only
 - SUE Quality Level C, ASCE 38-02 - visible evidence in conjunction with compiled records.
 - SUE Quality Level B, ASCE 38-02 - field designation of underground utilities performed by Draper Aden Associates and visible evidence in conjunction with compiled records.
 - SUE Quality Level A, ASCE 38-02 - test pits at locations shown hereon performed by (DAA; Other) in conjunction with field designation of underground utilities performed by (DAA; Miss Utility, Ticket # _____; Other), visible evidence and compiled records.
 - No SUE was performed or requested for this survey. Utilities shown hereon are based on field observation only.
- This Topographic Survey was completed under the direct and responsible charge of Cheryl Stockton from an actual Ground survey made under my supervision; that the imagery and/or original data was obtained on November 17, 2015; and that this plat and/or map meets minimum accuracy standards unless otherwise noted.
- Contour interval: 1'.
- This survey was prepared for The Building Management Company. Draper Aden Associates assumes no liability for reuse or modification of this document.
- The following GIS data shown hereon is provided for informational purposes only: Flood Plain, Steep Sloped Areas, 2 foot contours, Road Edges and Water Bodies.
- Property lines shown hereon are compiled from record information.
- Draper Aden Associates provides benchmarks for the construction of the improvements shown on these plans. All other existing elevations are for reference to existing conditions only. Do not use spot elevations, finish floor elevations, elevations on manholes, elevations on survey nails, survey hubs, control points (horizontal points provided) or any other points for construction other than the provided benchmarks. Failure to utilize and verify the provided benchmarks could result in damages and additional cost that are the contractor's responsibility.

PK nail (Found)



LEGEND

— — — — —	Property Line	○	Rod Found	□	Electric Box
- - - - -	Contour	□	Monument Found	●	Guy Pole
— g —	Gas Line	○	Telephone Pedestal	⊕	Electric Marker
— ohp —	Overhead Power	⊕	Telephone Manhole	⊕	Electrical Manhole
— ss —	Sanitary Sewer and Manhole	⊕	Telephone Box	⊕	Utility Pole
— ssm —	Storm Line and Manhole	⊕	Fire Hydrant	⊕	Electric Transformer
— ssi —	Storm Line and Inlet	⊕	Water Valve	☆	Ground Light
— cotv —	Underground Cable TV	⊕	Water Meter	⊕	Light Pole
— uge —	Underground Electric	⊕	Well	⊕	Fiber Optic Pedestal
— ugt —	Underground Telephone	★	Benchmark	⊕	Fiber Optic Handhole
— fo —	Underground Fiber Optic	●	Bollard	⊕	Gas Vent
— unk —	Unknown Utility	—	Sign (1-post)	○	Gas Valve
— w —	Waterline	—	Sign (2-post)	⊕	Gas Meter
—	Asphalt	+ 1561.3	Spot Elevation	⊕	Sewer Clean Out
—	Building	○	Deciduous Tree	⊕	Wood Post
— x —	Fence (as noted)	○	Evergreen Tree	⊕	Metal Post
—	Stream	○	Shrub	⊕	Gravel
—	Treeline	○	Concrete	⊕	Steep Slope Area (GIS)
—	Guy Wire				

DRAPER ADEN ASSOCIATES REVIEW

THESE PLANS HAVE BEEN SUBJECTED TO TECHNICAL AND QUALITY REVIEWS BY:

NAME: Doug Sherrill	DATE: 11/23/2015
SURVEY PARTY CHIEF	
NAME: Dereck Perry	DATE: 11/23/2015
SUBSURFACE UTILITY ENGINEER	
NAME: Michael Little	DATE: 11/23/2015
PROJECT MANAGER	
NAME: Cheryl Stockton	DATE: 11/23/2015
QUALITY REVIEWER	



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 www.daa.com



TOPOGRAPHIC SURVEY
1248 EMMET STREET
 CHARLOTTESVILLE, VIRGINIA

REVISIONS

DESIGNED BY:	N/A
DRAWN BY:	MJL
CHECKED BY:	CAS
SCALE:	1" = 20'
DATE:	MAY 24, 2016
PROJECT NUMBER:	C15144C-01
C1.0	

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EXTERIOR FINISH SCHEDULE

ALL MATERIALS & INSTALLATION SHALL CONFORM TO APPLICABLE ASTM STANDARDS UNLESS GOVERNING AUTHORITIES HAVE DIFFERENT REQUIREMENTS.

STANDARD BRICK UNIT 3-5/8" x 2-1/4" x 7 5/8" RUNNING BOND

- 1 COLOR: BRICK - COMMONWEALTH (GENERAL SHALE) APPROVED ALTERNATE - M/S CHEROKEE NATCHEZ (CHEROKEE BRICK) MORTAR - "COOSA ANTIQUE BUFF"

3/8" THICK MORTAR JOINTS. ASTM C-270, TYPE N.

15# ROOFING FELT OVER ALL SUBSTRATES OR SEALED DENS GLASS GOLD SHEATHING GROUT VOID SOLID @ FENCE AND BELOW F.F. PROVIDE VAPOR BARRIER AS INDICATED.

CONTINUOUS, THROUGH WALL FLASHING, EPDM (BY W.R. GRACE) OR EQUAL, AT BOTTOM OF WALLS & ABOVE OPENINGS. CUT FLASHING FLUSH WITH EXT. FACE. PROVIDE CELL VENT TYPE WEEPS, ABOVE FLASHING @ 32" O.C. MAX.

HOHMANN & BARNARD, INC. HORIZ REIN. ON CMU FENCE HOHMANN & BARNARD, INC., DW-10 HS TRIANGULAR MTL WALL TIES (OR EQUAL) @ 16" O.C. VERT. & AT HORIZ. STUD SPACING, 14 GA. SEE SECTIONS & SPECS. ATTACH TO STUDS WITH (2) 10 - 16 x 1-1/2" SCREWS.

- 2 STO TO HAVE MEDIUM TEXTURE FINISH ON FIELD EIFS. STO TO HAVE FINE SAND TEXTURE @ ACCENTS ICC EVALUATION REPORT NO. ESR-1720

- 2F = FIELD COLOR. STO STOLIT 1.5 DARK STO NA13-0033 / SW 2839 "ROYCROFT COPPER RED (NO SUBSTITUTIONS)

- 2A = ACCENT COLOR: EIFS CORNERS, CORNICE, FRIEZE & TRIM, DECORATIVE BRACKETS, BEAMS OR PURLINS. - STO FINE SAND #80310 - STO NA 13-0034 "BALANCED BEIGE" SW 7037

- 3 (HARDIE) TRIM BOARDS, CORNICE, FRIEZE & TRIM - PAINT SHERWIN WILLIAMS "BALANCED BEIGE" SW 7037

- 4 PREFINISHED, METAL COPING OR GRAVEL STOP & ROOFING COLOR: COPINGS: MATCH SURROUNDING CORNICE COLOR ROOFING @ REAR AWNING: GALVANIZED / GALVALUME MATERIAL SHALL BE 24 GAUGE. HOT DIPPED GALVANIZED STEEL OR 0.032" THICK ALUM. FINISH SHALL BE KYNAR 500 FLUOROCARBON COATING. ACCEPTABLE MANUFACTURES ARE AS FOLLOWS:

- A. BERRIDGE MANUF. CO., HOUSTON, TX.
- B. PAC-CLAD
- C. McELROY METAL CO., PEACHTREE CITY, GA.
- D. MBCI
- E. APPROVED EQUALS WILL BE ACCEPTED

PROVIDE ALL RELATED ACCESSORIES: FLASHING, END CLOSURES, GUTTERS, DOWNSPOUTS, ETC. IN MATCHING COLOR. INSTALL ALL MATERIALS PER MANUF.'S RECOMMENDATIONS.

A MANUFACTURER'S WARRANTY AGAINST DISCOLORATION & WEATHER-TIGHTNESS WILL BE REQUIRED.

NOT ALL ROOF PENETRATIONS & ACCESSORIES ARE SHOWN ON THIS DRAWING. IT IS THE RESPONSIBILITY OF THE G.C. TO INSTALL ITEMS INDICATED ELSEWHERE.

- 5 STOREFRONT: WINDOWS & ENTRANCE DOORS (CLEAR ANODIZED)

ACCEPTABLE MANUFACTURER: KAWNEER, REFER TO SPECIFICATIONS ALL GLAZING SHALL BE IN ACCORDANCE W/ THE FOLLOWING VLT:

GLAZING - UNCOATED TINTED GLASS						
APPEARANCE	LOCATION	TYPE & THICKNESS	U FACTOR	SHGC	VLT	VLR
GRAY TINT	EXTERIOR SIDE	1/4" TEMPERED	.47	.45	39.6	7.3
CLEAR-NO TINT	INTERIOR SIDE	1/4" TEMPERED	.58	.69	79	15

CONTACT PERSON @ QUALITY GLASS: JOHNNY DOSTER @ 706-548-4481

- 6 SELF-CLOSING & TEMPERED GLASS DRIVE-THRU WINDOW: ROUGH OPENING = 6'-0" WIDE x 5'-8" HIGH QUICKSERV MODEL SC-4030 SELF CLOSING HORIZ. SLIDER WINDOW FIT INTO A "STOREFRONT" FRAME, MATCH STOREFRONT IN COLOR & GLAZING.

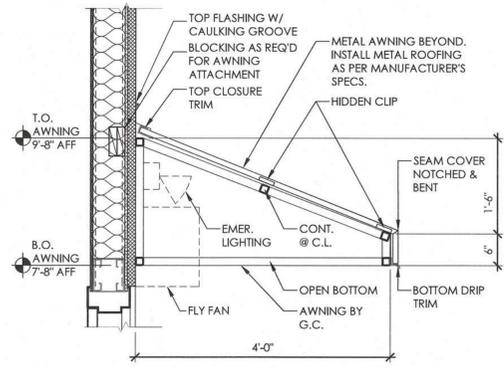
QUICKSERV-DIVISION OF MCE SYSTEMS CORP. P.O. BOX 40466, HOUSTON, TX 77240-0466 P. 800-388-8307 F. 713-462-1936 STOREFRONT & SLIDER ALSO BY: QUALITY GLASS P. 706-548-4481

- 7 GALVALUME 22 GA. CORRUGATED FINISH METAL ROOF (MBCI PBC OR EQUIV.)

- 8 GALVANIZED METAL FINISH GOOSENECK FIXTURES ARE TO BE INSTALLED BY THE G.C.

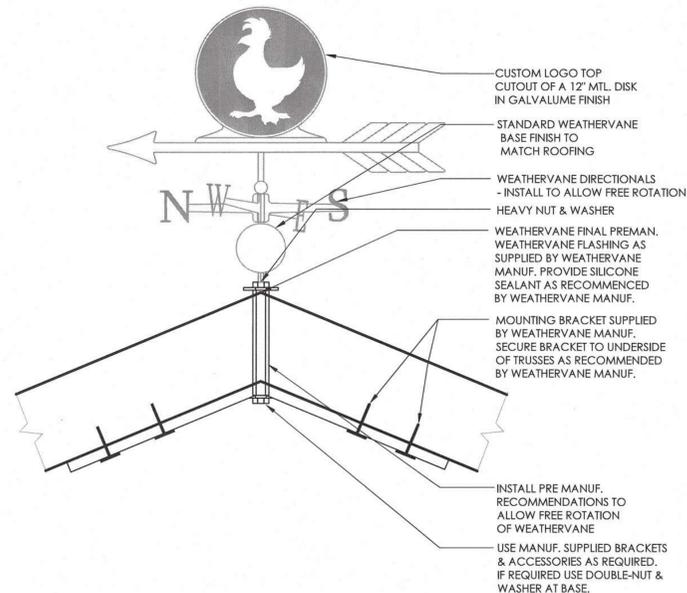
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- 9 LADDER, PAINT FIELD COLOR.
- GLAZING, REFER TO SHEET A117
- DOORS, REFER TO SHEET A115

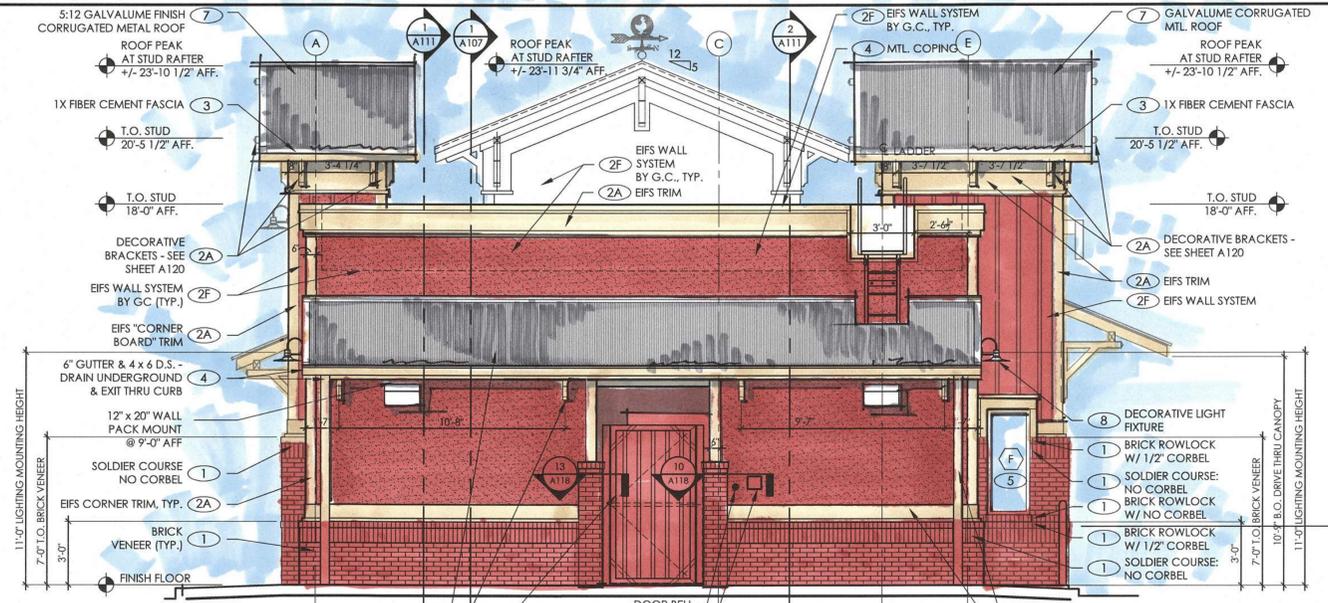


5 REAR AWNING DETAIL
A105 3/4" = 1'-0"

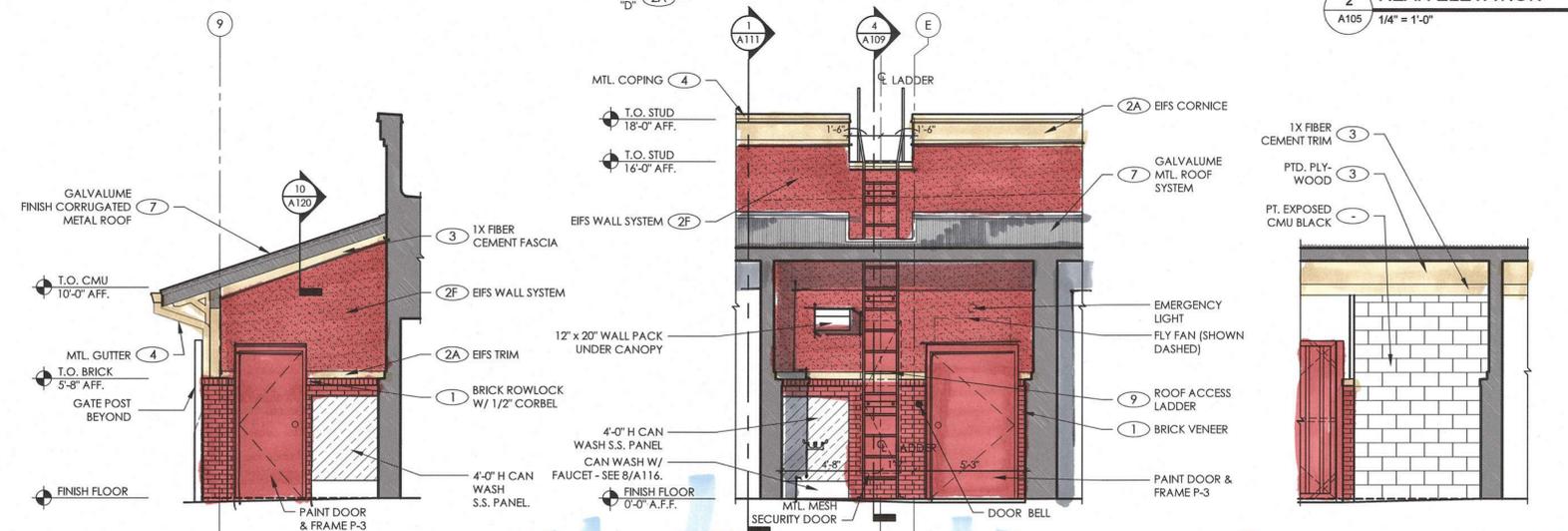
5 NOT USED
A105 N.T.S.



6 WEATHERVANE DETAIL
A105 1 1/2" = 1'-0"



2 REAR ELEVATION
A105 1/4" = 1'-0"



4 REAR ELEVATION @ CAN WASH
A105 1/4" = 1'-0"



1 FRONT ELEVATION
A105 1/4" = 1'-0"

HFR
HILLFOLEYROSSI
& ASSOCIATES
ARCHITECTURE
ENGINEERING
3680 Pleasant Hill Road
Suite 200
Duluth, Georgia 30096
p 770.622.9858
f 770.622.9535
www.hillfoleyrossi.com

ZAXBY'S
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ISSUED FOR CONSTRUCTION

DATE	DESCRIPTION	DESIGN APPROVAL

SEAL:

PROJECT NAME & ADDRESS

ZAXBY'S
60 MODEL
EMMET STREET
CHARLOTTESVILLE, VA

PROTOTYPE SERIES

60 SL (Z) - SDT

SHEET TITLE:

FRONT & REAR
EXTERIOR ELEVATIONS

PROJECT #:
16-865.00

A105



2 SIDE ELEVATION
A108 1/4" = 1'-0"



1 SIDE ELEVATION
A106 1/4" = 1'-0"

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MORTAR - "COOSA ANTIQUE BUFF"

3/8" THICK MORTAR JOINTS. ASTM C-270, TYPE N.

15# ROOFING FELT OVER ALL SUBSTRATES OR SEALED DENS GLASS GOLD SHEATHING GROUT VOID SOLID @ FENCE AND BELOW F.F. PROVIDE VAPOR BARRIER AS INDICATED.

CONTINUOUS, THROUGH WALL FLASHING, EPDM (BY W.R. GRACE) OR EQUAL, AT BOTTOM OF WALLS & ABOVE OPENINGS. CUT FLASHING FLUSH WITH EXT. FACE. PROVIDE CELL VENT TYPE WEEPS, ABOVE FLASHING @ 32" O.C. MAX.

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2 STO TO HAVE MEDIUM TEXTURE FINISH ON FIELD EIFS.
STO TO HAVE FINE SAND TEXTURE @ ACCENTS
ICC EVALUATION REPORT NO. ESR-1720

2F = FIELD COLOR: STO STOLIT 1.5 DARK STO NA13-0033 / SW 2839 "ROYCROFT COPPER RED" (NO SUBSTITUTIONS)

2A = ACCENT COLOR: EIFS CORNERS, CORNICE, FRIEZE & TRIM, DECORATIVE BRACKETS, BEAMS OR PURLINS, - STO FINE SAND #80310 - STO NA 13-0034 "BALANCED BEIGE" SW 7037

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B. PAC-CLAD
C. McELROY METAL CO., PEACHTREE CITY, GA.
D. MBCI
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GLAZING - UNCOATED TINTED GLASS

APPEARANCE	LOCATION	TYPE & THICKNESS	U FACTOR	SHGC	VLT	VLR
GRAY TINT	EXTERIOR SIDE	1/4" TEMPERED	.47	.45	39.6	7.3
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FIT INTO A "STOREFRONT" FRAME, MATCH STOREFRONT IN COLOR & GLAZING.
QUICKSERV-DIVISION OF MCE SYSTEMS CORP.
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P. 800-388-8307 F. 713-462-1936
STOREFRONT & SLIDER ALSO BY:
QUALITY GLASS P. 706-548-4481

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9 LADDER, PAINT FIELD COLOR

GLAZING, REFER TO SHEET A117

DOORS, REFER TO SHEET A115

3 NOT USED
A106 1" = 1'-0"

EXTERIOR FINISH SCHEDULE

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ICC EVALUATION REPORT NO. ESR-1720

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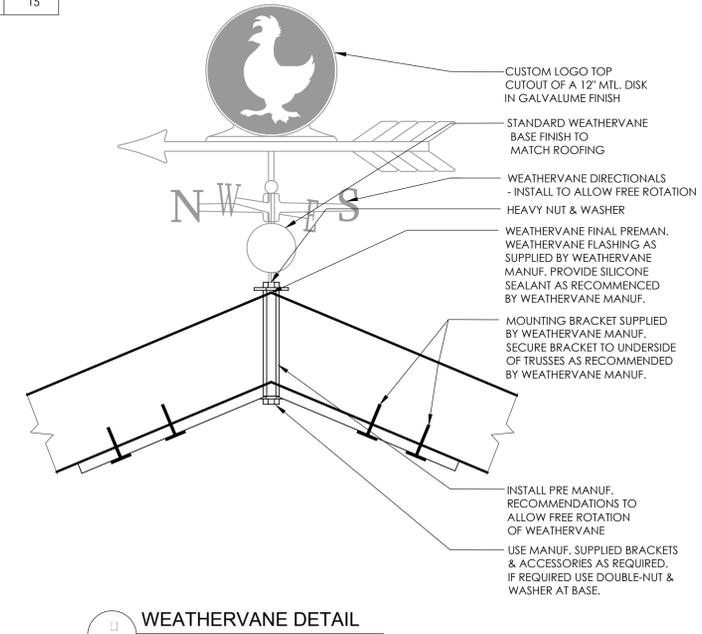
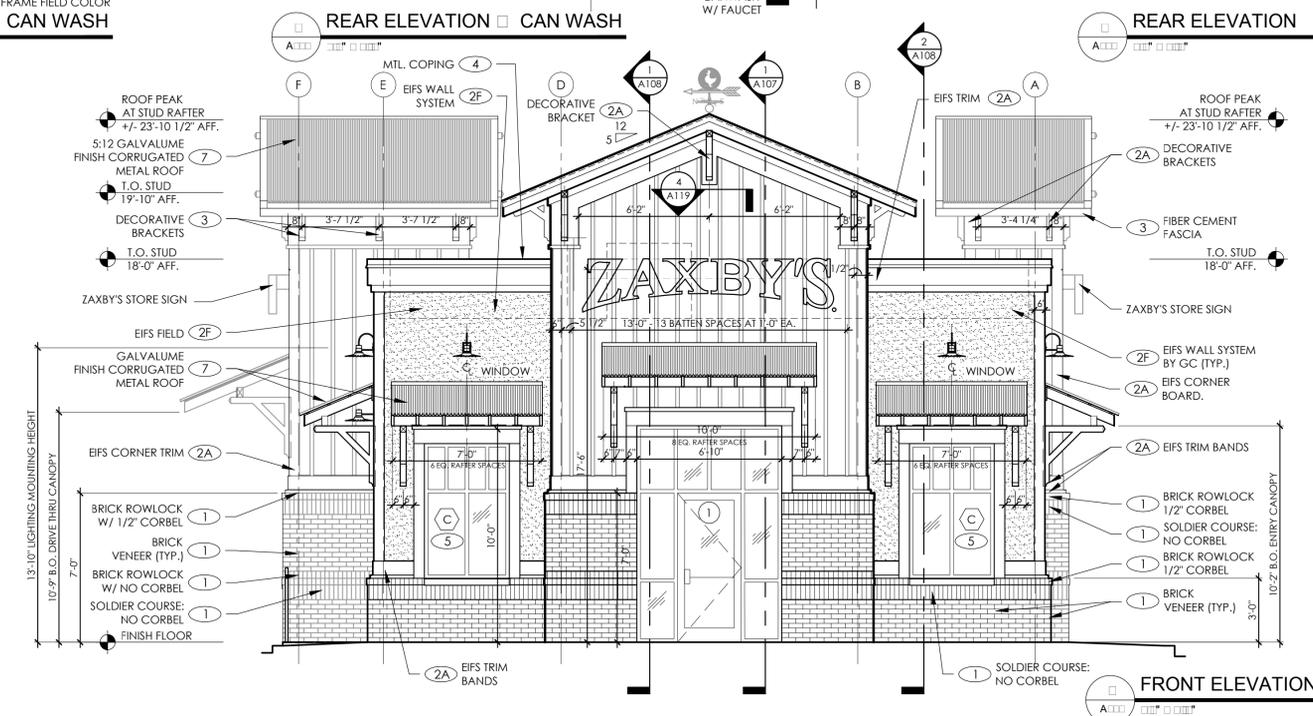
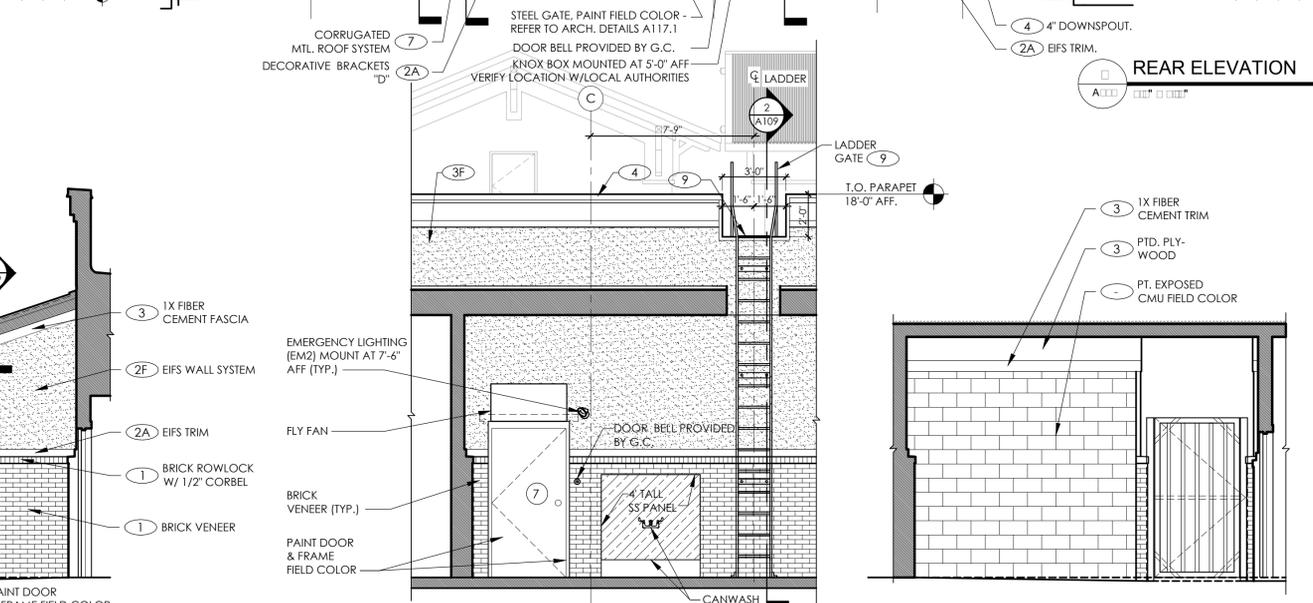
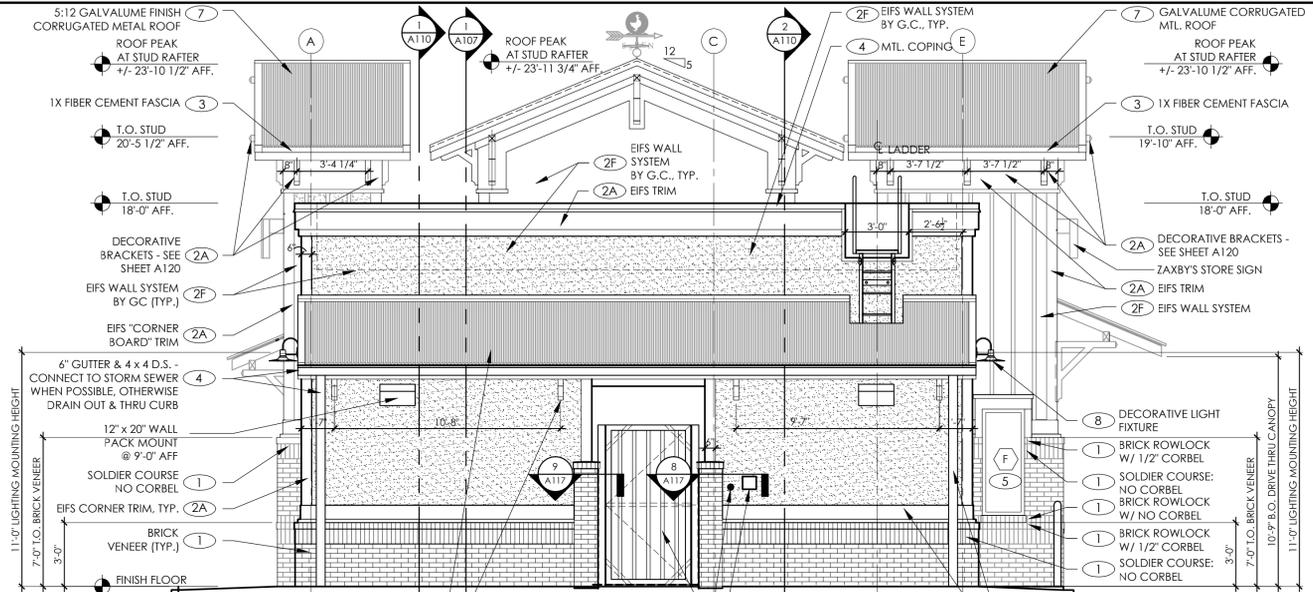
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- 9 LADDER, PAINT FIELD COLOR

- GLAZING, REFER TO SHEET A117

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* E.I.F.S. NOTE:
THESE DRAWINGS USE "STO" BRAND E.I.F.S. SYSTEMS AS A BASIS OF DESIGN.
"DRYVIT" OUTSULATION PLUS MD SYSTEMS WILL BE ALLOWED AS AN ALTERNATE.
ICC EVALUATION REPORT # ESR - 1543.



ISSUED FOR CONSTRUCTION

ISSUE / REVISIONS:

DATE	DESCRIPTION:
05.24.16	CITY DESIGN APPROVAL

SEAL:

PROJECT NAME & ADDRESS

ZAXBY'S
60 MODEL
EMMET STREET
CHARLOTTEVILLE, VA

PROTOTYPE SERIES

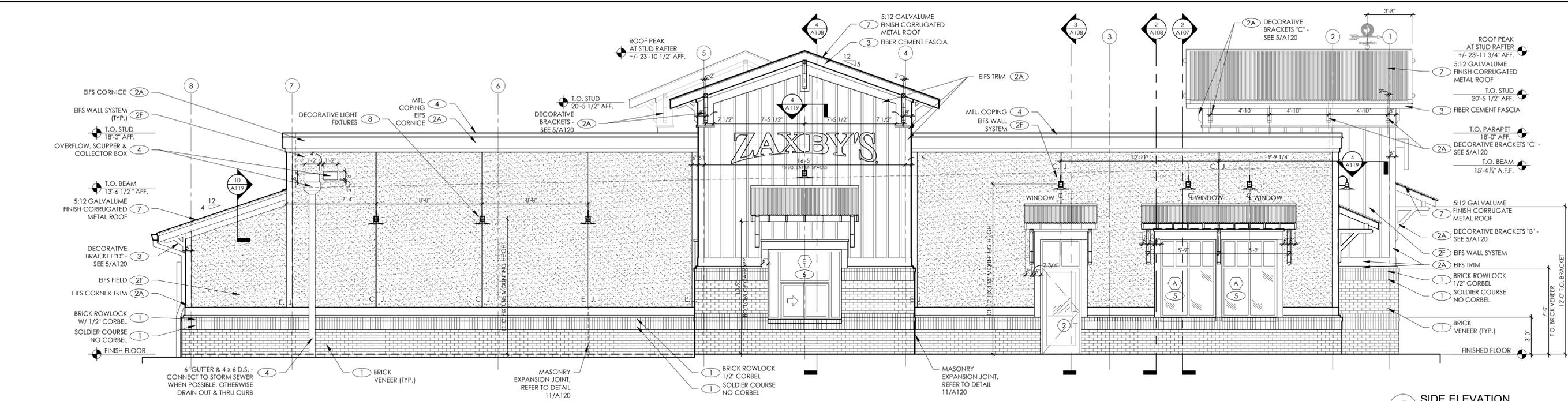
60 SL (Z) - SDT

SHEET TITLE:

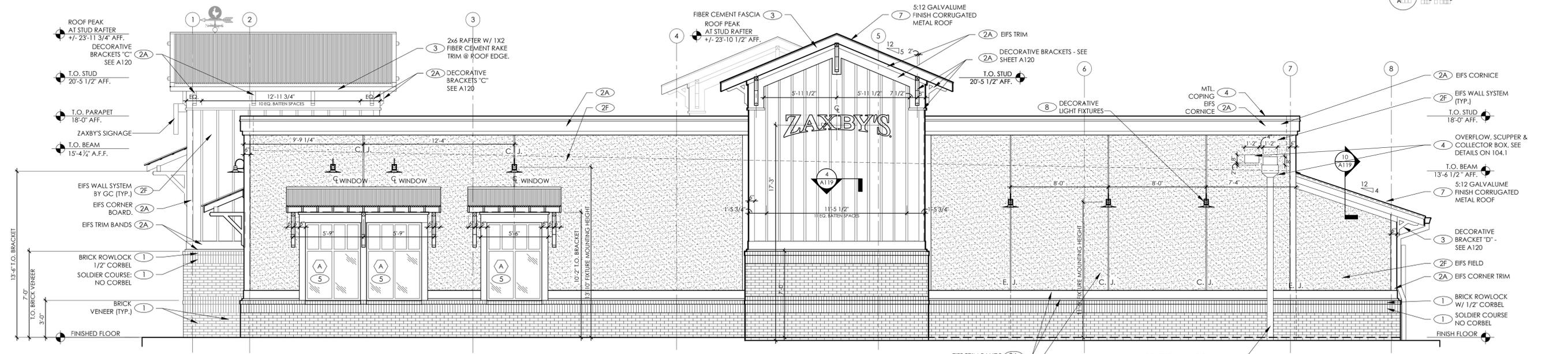
FRONT REAR
EXTERIOR ELEVATIONS

PROJECT #:
16-865.00

A



SIDE ELEVATION



SIDE ELEVATION

EXTERIOR FINISH SCHEDULE

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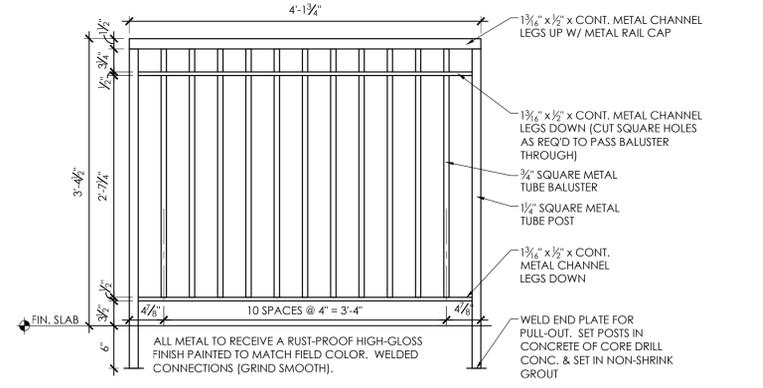
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DECORATIVE METAL RAILING

AccuLite®

Project: _____

Fixture Type: _____

Location: _____

Contact/Phone: _____

AREOS™ LED LOW PROFILE LED AREA LIGHT

22" AND 16"

Cat. No.: _____

PRODUCT DESCRIPTION

The Areos™ LED Area Light is a low profile luminaire for area lighting applications where energy efficiency, and low maintenance costs are required. An all LED light source delivers up to 36,000 lumens with only 295W total fixture input power. A full fixture IP65 rating protects the electronics and light engine from the weather.

PRODUCT SPECIFICATIONS

Optics Precision engineered TIR (Total Internal Reflection) optics are individually placed on each LED, to deliver consistent optical placement and performance • Types II, III, V and Forward Throw distributions are available • A glass lens keeps the optics clean and protected from UV exposure, preserving the performance of the fixture over long periods of time.

Field Rotatable LED Module The complete LED module can be easily and safely rotated in the field to aim the fixture in 90° increments • A simple system of 4 bolts lowers the square LED module so that it is free to rotate to the desired orientation • The module stays always securely attached to the fixture arm • The luminaires can also be ordered already rotated from the factory using options "RR" (rotated to the right) and "RL" (rotated to the left).

Backlight Control All asymmetrical distributions feature a hybrid reflector/TIR optic back light control system that minimizes spill light behind the pole • Ideal for installations that are sensitive to light trespass.

Dark Sky Compliant All of Areos LED optical distributions are compliant with Dark Sky ordinances.

Construction LED module and fixture housing are made of heavy wall die cast aluminum with a 5 stage powder coat finish • The driver compartment is separated from the LED heat source, extending the life of the electronic components • Molded gaskets seal the fixture and protect internal components from the environment • Tempered glass bottom lens with frame and gaskets • Stainless steel exposed hardware.

Thermal Management The luminaire has a computer engineered and optimized heat sink to ensure the best thermal management possible • The LED circuit boards are in direct contact with the finely machined surface for the best heat transfer • The drivers are located in a thermally independent compartment, separated from LED generated heat, to assure reliability and maximum system life.

Electrical The Luminaire is equipped with Class 1 drivers • Depending on the voltage required fixture will have a universal voltage input of 120-277VAC or 347-480VAC • Drivers have an internal surge protection of 2.5KV • Maximum THD 20% • Minimum power factor 0.90 • Fixture includes an additional surge protector that protects Line-Ground, Line-Neutral, and Neutral-Ground in accordance with IEEE/ANSI C62.41.2 guidelines with a surge current rating of 10,000 amps.

Mounting Can be pole mounted directly to square poles Wall mounting accessory available • Round pole mounting accessory available • Post top or tenon mounting accessory available (see Accessories on page 2.)



16" luminaire



22" luminaire

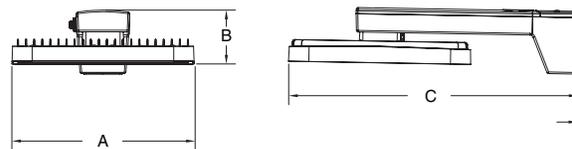
Dimming Fixtures can be ordered with an optional 0-10V dimming driver.

Finish All exposed surfaces are protected with a 5 stage powder coating • Standard color is bronze, other colors available.

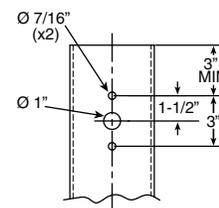
Certifications Meets UL1598/CSA C22.2 250 standards • Suitable for wet locations • IP65 rated • Union made • Meets "Buy American Act" and ARRA • 5 year limited warranty.

Specifications subject to change without notice.

DIMENSIONS



	A	B	C	Weight	EPA
16" fixture	16" sq.	4.75"	25.5"	28 lb.	0.78 ft ²
16" fixture w/D25 Engine	16" sq.	5.625"	28"	32 lb.	0.80 ft ²
22" fixture	22" sq.	5.625"	32"	46 lb.	0.82 ft ²



Pole Drill Pattern for Mounting

PRODUCT CODES

Series	Light Engine	CCT	Voltage	Distribution	Finish	Options
SS1	A06	6K	UN	2B	BZ	D
Premium Efficacy Fixtures		- 6K - 6500K 65 CRI	- UN - 120V-277V	- 2B IES Type II with back light control	- BL Black	- PC Photo control
SS1- 16" fixture	A06 67W	- 4K - 4000K 80 CRI	- E12 120V	- 3B IES Type III with back light control	- SL Silver	- PCR ² Twist lock photo control receptacle (photo control supplied by user)
	A09 97W		- E20 208V		- WH White	- WR ² Wireless Control Receptacle per ANSI-C136-10-2010
	A12 127W		- E24 240V		- BZ Bronze	- F1 ² Fuse single pole line to neutral
	A18 194W		- E27 277V	- FT Forward Throw with back light control		- F2 ² Fuse two pole line to line
LS1- 22" fixture	A18 194W		- UH 347-480V	- 5 Type V square		- D 0-10V dimming driver
	A24 254W		- E34 347V			- NL No glass lens (wet location listed only)
Standard Efficacy Fixtures			- E48 480V			- HT High transmission lens
SS2- 16" fixture	B08 107W					- FG Frosted glass lens
	B12 153W					- RR Optics Rotated Right (when facing pole)
	B16 200W					- RL Optics Rotated Left (when facing pole)
	D25 ³ 277W					
LS2- 22" fixture	B24 295W					

¹ Note: Fixtures in 480V or 347V (suffixes "UH", "E48", or "E34") are supplied with a larger driver housing.

² Specify Voltage

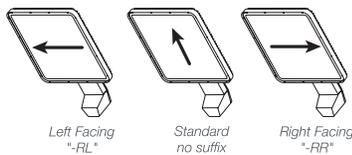
³ Fixtures with "D25" light engine include a larger driver compartment

ACCESSORIES

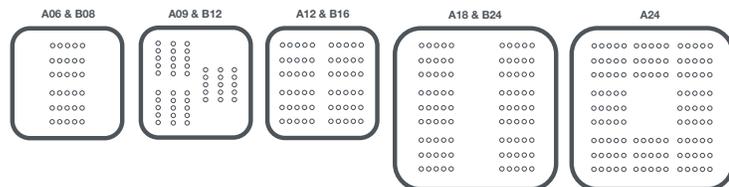
(Order separately)

Description	Catalog #	Description	Catalog #
 Wall Mount Bracket Bronze Black White	A-WMB-BZ A-WMB-BL A-WMB-WH	 Post Top Adapter Fits 2" and 2-1/2" tenons (2-3/8" and 2-7/8" o.d.) Bronze Black White	A-PTF-BZ A-PTF-BL A-PTF-WH
 Round Pole Adapter Fits 3" to 4" pole	Bronze Black White	**Motion Sensor, Pole Mounted ON/OFF Motion Sensor 120V ON/OFF Motion Sensor 277V ON/OFF Motion Sensor 347V ON/OFF Motion Sensor 480V HI/LO Motion Sensor 120V HI/LO Motion Sensor 277V HI/LO Motion Sensor 347V HI/LO Motion Sensor 480V	MSONOFF120 MSONOFF277 MSONOFF347 MSONOFF480 MSHILO120 [®] MSHILO277 [®] MSHILO347 [®] MSHILO480 [®]
 Mast Arm Adapter Fits 2" mast arm	Bronze Black White	[®] Requires fixture with "D" option (dimming driver)	
	A-RPA34-BZ A-RPA34-BL A-RPA34-WH A-RPA56-BZ A-RPA56-BL A-RPA56-WH	**Sensor to be mounted on pole by installer	
	A-MAA-color		

ROTATED OPTICS



LIGHT ENGINE CONFIGURATIONS



AREOS™ LED

LOW PROFILE LED

AREA LIGHT

22" AND 16"

OPTIONS AND ACCESSORIES

Photo Controls Two photo control options are available:

- Option PC is a factory installed button style, photo control mounted on the side of the driver housing
- Option PCR is a receptacle that is factory installed to the top of the driver housing to accept industry standard twist lock sensors. Twist lock sensors are user supplied and not available through the factory.

Motion Sensors Two motion sensor accessories deliver additional energy savings and longer fixture life:

- Option MSONOFF is an ON/OFF motion sensor that will turn the fixture ON only when it senses a passing pedestrian or vehicle. The infrared motion sensor is intended to be mounted on the pole by the installer - approximately 15 feet from the ground for optimal performance. Must specify voltage.
- Option MSHILO uses motion sensor with the ability to switch the fixture from high-to-low light levels. Normal operation is in the "low" mode. When the sensor detects movement, the fixture switches to "high". The sensor is mounted on the pole by the installer. Must specify voltage. Requires fixture with dimmer driver

Glass Lenses The standard luminaire comes with a tempered glass lens with 90% light transmission. As an alternative to the standard glass lens, the following options are available:

- Option HT, a high transmission lens, delivers an additional 5% light transmission improving the fixture efficacy.
- Option FG is a chemically frosted glass lens that softens the light and reduces glare.
- Option NL, with no glass lens, offers maximum efficacy and performance. Without a glass lens, Areos LED Area Lights have a wet location listing only.

Rotated Optics The Areos LED can be ordered with factory rotated optics. To request factory rotated optics to the right or left (when facing the pole), specify options RR or RL respectively. Additionally, the entire LED housing can be field rotated by the user or installer.

Wireless Control Receptacle Areos fixtures can be supplied with a receptacle for wireless controls adapters per ANSI-C136-10-2110.

Premium Efficacy Fixtures

Zone	SS1-A12-4K-UN-2B		SS1-A12-4K-UN-3B		SS1-A12-4K-UN-FT		SS1-A12-4K-UN-5	
	Luminaire Lumens	% of Luminaire Lumens						
	Total Lumens 12,941		Total Lumens 13,288		Total Lumens 12,429		Total Lumens 12,542	
Forward Light	10,134	78.3%	10,663	80.2%	10,010	80.5%	6,271	50.0%
FL (0°-30°)	1,113	8.6%	944	7.1%	890	7.2%	646	5.1%
FM (30°-60°)	5,941	45.9%	5,812	43.7%	6,023	48.5%	2,721	21.7%
FH (60°-80°)	3,066	23.7%	3,893	29.3%	3,079	24.8%	2,887	23.0%
FVH (80°-90°)	14	0.1%	14	0.1%	20	0.2%	18	0.1%
Back Light	2,807	21.7%	2,625	19.8%	2,419	19.5%	6,271	50.0%
BL (0°-30°)	822	6.4%	780	5.9%	710	5.7%	646	5.1%
BM (30°-60°)	1,291	10.0%	1,230	9.3%	1,347	10.8%	2,721	21.7%
BH (60°-80°)	689	5.3%	610	4.6%	338	2.7%	2,887	23.0%
BVH (80°-90°)	5	0.0%	5	0.0%	24	0.2%	18	0.1%
Up Light	0	0.0%	0	0.0%	0	0.0%	0	0.0%
UL (90°-100°)	0	0.0%	0	0.0%	0	0.0%	0	0.0%
UH (100°-180°)	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Trapped Light	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BUG Rating	B2 - U1 - G2		B2 - U1 - G2		B2 - U1 - G2		B4 - U1 - G2	

All tests were performed according to IES LM-79-08

Standard Efficacy Fixtures

Zone	SS2-B16-4K-UN-2B		SS2-B16-4K-UN-3B		SS2-B16-4K-UN-FT		SS1-A12-4K-UN-5	
	Luminaire Lumens	% of Luminaire Lumens						
	Total Lumens 18,273		Total Lumens 18,763		Total Lumens 17,550		Total Lumens 17,710	
Forward Light	14,309	78.3%	15,506	80.2%	14,135	80.5%	8,854	50.0%
FL (0°-30°)	1,571	8.6%	1,333	7.1%	1,256	7.2%	912	5.1%
FM (30°-60°)	8,388	45.9%	8,206	43.7%	8,504	48.5%	3,841	21.7%
FH (60°-80°)	4,330	23.7%	5,497	29.3%	4,347	24.8%	4,076	23.0%
FVH (80°-90°)	19	0.1%	19	0.1%	28	0.2%	25	0.1%
Back Light	3,964	21.7%	3,707	19.8%	3,415	19.5%	8,854	50.0%
BL (0°-30°)	1,160	6.4%	1,102	5.9%	1,003	5.7%	912	5.1%
BM (30°-60°)	1,823	10.0%	1,737	9.3%	1,902	10.8%	3,841	21.7%
BH (60°-80°)	973	5.3%	861	4.6%	477	2.7%	4,076	23.0%
BVH (80°-90°)	8	0.0%	8	0.0%	33	0.2%	25	0.1%
Up Light	0	0.0%	0	0.0%	0	0.0%	0	0.0%
UL (90°)	0	0.0%	0	0.0%	0	0.0%	0	0.0%
UH (100°-180°)	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Trapped Light	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BUG Rating	B3 - U1 - G2		B2 - U1 - G2		B3 - U1 - G2		B4 - U1 - G2	

All tests were performed according to IES LM-79-08


LED PERFORMANCE - PREMIUM EFFICACY FIXTURES @ 6500K CCT

	Distribution	FIXTURE SIZE	Delivered Lumens Std Fixture	Delivered Lumens with no lens (Option NL)	System Watts	Efficacy (WITH Lens)	Efficacy (NL Option)
SS1-A06-6K-UN-2B	Type II	16"	7,118	8,039	67	106	120
SS1-A06-6K-UN-3B	Type III	16"	7,309	8,311	67	109	124
SS1-A06-6K-UN-FT	FT	16"	6,836	7,327	67	102	109
SS1-A06-6K-UN-5	Type V	16"	6,898	8,092	67	103	121
SS1-A09-6K-UN-2B	Type II	16"	10,676	12,059	97	110	124
SS1-A09-6K-UN-3B	Type III	16"	10,962	12,466	97	113	129
SS1-A09-6K-UN-FT	FT	16"	10,254	10,991	97	106	113
SS1-A09-6K-UN-5	Type V	16"	10,347	12,138	97	107	125
SS1-A12-6K-UN-2B	Type II	16"	14,235	16,078	128	111	125
SS1-A12-6K-UN-3B	Type III	16"	14,617	16,621	129	114	129
SS1-A12-6K-UN-FT	FT	16"	13,672	14,655	129	106	114
SS1-A12-6K-UN-5	Type V	16"	13,797	16,184	128	107	126
LS1-A18-6K-UN-2B	Type II	22"	22,969	25,942	194	118	134
LS1-A18-6K-UN-3B	Type III	22"	23,585	26,818	194	122	138
LS1-A18-6K-UN-FT	FT	22"	22,060	23,645	194	114	122
LS1-A18-6K-UN-5	Type V	22"	22,261	26,113	194	115	135
LS1-A24-6K-UN-2B	Type II	22"	30,625	34,590	254	121	136
LS1-A24-6K-UN-3B	Type III	22"	31,447	35,758	254	124	141
LS1-A24-6K-UN-FT	FT	22"	29,413	31,527	254	116	124
LS1-A24-6K-UN-5	Type V	22"	29,681	34,817	254	117	137

For 4500K CCT apply a 0.9 multiplier to above values
All tests were performed according to IES LM-79-08

LED PERFORMANCE - STANDARD EFFICACY FIXTURES @ 6500K CCT

	Distribution	FIXTURE SIZE	Delivered Lumens Std Fixture	Delivered Lumens with no lens (Option NL)	System Watts	Efficacy (WITH Lens)	Efficacy (NL Option)
SS2-B08-6K-UN-2B	Type II	16"	10,050	11,351	107	94	106
SS2-B08-6K-UN-3B	Type III	16"	10,320	11,735	107	96	110
SS2-B08-6K-UN-FT	FT	16"	9,653	10,346	107	90	97
SS2-B08-6K-UN-5	Type V	16"	9,741	11,426	107	91	107
SS2-B12-6K-UN-2B	Type II	16"	15,075	17,027	153	99	111
SS2-B12-6K-UN-3B	Type III	16"	15,480	17,602	153	101	115
SS2-B12-6K-UN-FT	FT	16"	14,479	15,519	153	95	101
SS2-B12-6K-UN-5	Type V	16"	14,611	17,139	153	95	112
SS2-B16-6K-UN-2B	Type II	16"	20,100	22,703	200	101	114
SS2-B16-6K-UN-3B	Type III	16"	20,640	23,469	200	103	117
SS2-B16-6K-UN-FT	FT	16"	19,305	20,692	200	97	103
SS2-B16-6K-UN-5	Type V	16"	19,481	22,852	200	97	114
LS2-B24-6K-UN-2B	Type II	22"	32,478	36,682	295	110	124
LS2-B24-6K-UN-3B	Type III	22"	33,349	37,921	295	113	129
LS2-B24-6K-UN-FT	FT	22"	31,193	33,434	295	106	113
LS2-B24-6K-UN-5	Type V	22"	31,477	36,924	295	107	125
SS2-D25-6K-UN-2B	Type II	16"	24,845	28,062	277	90	101
SS2-D25-6K-UN-3B	Type III	16"	25,512	29,009	277	92	105
SS2-D25-6K-UN-FT	FT	16"	23,862	25,577	277	86	92
SS2-D25-6K-UN-5	Type V	16"	24,080	28,247	277	87	102

For 4500K CCT apply a 0.9 multiplier to above values
All tests were performed according to IES LM-79-08



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LED PERFORMANCE - PREMIUM EFFICACY FIXTURES @ 4500K CCT

	Distribution	FIXTURE SIZE	Delivered Lumens Std Fixture	Delivered Lumens with no lens (Option NL)	System Watts	Efficacy (WITH Lens)	Efficacy (NL Option)
SS1-A06-4K-UN-2B	Type II	16"	6,471	7,308	67	97	109
SS1-A06-4K-UN-3B	Type III	16"	6,644	7,555	67	99	113
SS1-A06-4K-UN-FT	FT	16"	6,215	6,661	67	93	99
SS1-A06-4K-UN-5	Type V	16"	6,271	7,356	67	94	110
SS1-A09-4K-UN-2B	Type II	16"	9,706	10,962	97	100	113
SS1-A09-4K-UN-3B	Type III	16"	9,966	11,333	97	103	117
SS1-A09-4K-UN-FT	FT	16"	9,322	9,992	97	96	103
SS1-A09-4K-UN-5	Type V	16"	9,407	11,035	97	97	114
SS1-A12-4K-UN-2B	Type II	16"	12,941	14,617	128	101	114
SS1-A12-4K-UN-3B	Type III	16"	13,288	15,110	129	103	118
SS1-A12-4K-UN-FT	FT	16"	12,429	13,322	129	97	104
SS1-A12-4K-UN-5	Type V	16"	12,542	14,713	128	98	115
LS1-A18-4K-UN-2B	Type II	22"	20,881	23,584	194	108	122
LS1-A18-4K-UN-3B	Type III	22"	21,441	24,380	194	111	126
LS1-A18-4K-UN-FT	FT	22"	20,054	21,496	194	103	111
LS1-A18-4K-UN-5	Type V	22"	20,237	23,739	194	104	122
LS1-A24-4K-UN-2B	Type II	22"	27,841	31,445	254	110	124
LS1-A24-4K-UN-3B	Type III	22"	28,588	32,507	254	113	128
LS1-A24-4K-UN-FT	FT	22"	26,739	28,661	254	105	113
LS1-A24-4K-UN-5	Type V	22"	26,983	31,652	254	106	125

For 6500K CCT apply a 1.1 multiplier to above values
All tests were performed according to IES LM-79-08

LED PERFORMANCE - STANDARD EFFICACY FIXTURES @ 4500K CCT

	Distribution	FIXTURE SIZE	Delivered Lumens Std Fixture	Delivered Lumens with no lens (Option NL)	System Watts	Efficacy (WITH Lens)	Efficacy (NL Option)
SS2-B08-4K-UN-2B	Type II	16"	9,137	10,319	107	85	96
SS2-B08-4K-UN-3B	Type III	16"	9,382	10,668	107	88	100
SS2-B08-4K-UN-FT	FT	16"	8,775	9,406	107	82	88
SS2-B08-4K-UN-5	Type V	16"	8,855	10,387	107	83	97
SS2-B12-4K-UN-2B	Type II	16"	13,705	15,479	153	90	101
SS2-B12-4K-UN-3B	Type III	16"	14,073	16,002	153	92	105
SS2-B12-4K-UN-FT	FT	16"	13,163	14,108	153	86	92
SS2-B12-4K-UN-5	Type V	16"	13,283	15,581	153	87	102
SS2-B16-4K-UN-2B	Type II	16"	18,273	20,639	200	91	103
SS2-B16-4K-UN-3B	Type III	16"	18,763	21,335	200	94	107
SS2-B16-4K-UN-FT	FT	16"	17,550	18,811	200	88	94
SS2-B16-4K-UN-5	Type V	16"	17,710	20,775	200	89	104
LS2-B24-4K-UN-2B	Type II	22"	29,525	33,348	295	100	113
LS2-B24-4K-UN-3B	Type III	22"	30,317	34,473	295	103	117
LS2-B24-4K-UN-FT	FT	22"	28,357	30,395	295	96	103
LS2-B24-4K-UN-5	Type V	22"	28,615	33,567	295	97	114
SS2-D25-4K-UN-2B	Type II	16"	22,587	25,511	277	82	92
SS2-D25-4K-UN-3B	Type III	16"	23,193	26,372	277	84	95
SS2-D25-4K-UN-FT	FT	16"	21,693	23,252	277	78	84
SS2-D25-4K-UN-5	Type V	16"	21,891	25,679	277	79	93

For 6500K CCT apply a 1.1 multiplier to above values
All tests were performed according to IES LM-79-08

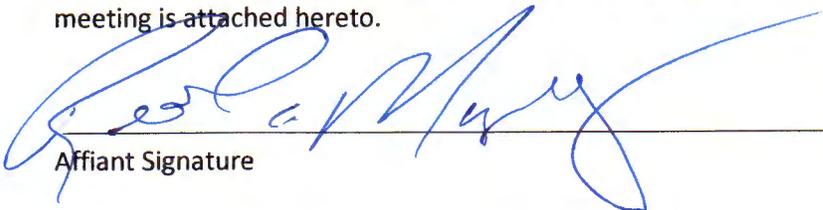
July 1, 2016

City of Charlottesville
Heather Newmyer - City Planner
P.O. Box 911
610 East Market Street
Charlottesville, VA 22902

Affidavit

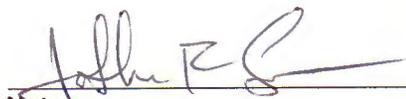
I, Reid A. Murphy, certify and affirm that on July 1, 2016, pursuant to the requirement that the applicant for a special use permit hold a community meeting in accordance with Section 34-41(c)(2) of the City of Charlottesville Code of Ordinances, I mailed via the U.S. Postal Service First Class a notice and invitation to the entire list of neighbors provided to me by Heather Newmyer, City Planner for the City of Charlottesville, to a meeting scheduled on Tuesday, July 12, 2016 at 945 Preston Avenue, Charlottesville, VA 22903 at 5:30 pm.

The aforementioned meeting was timely held at the stated time and location. A copy of the attendance list for that meeting is attached hereto.



Affiant Signature

Signed and acknowledged before me in the City of Charlottesville, Virginia on the 19th day of July, 2016.



Notary 7529677
Reg. #

My commission expires 2/29/20

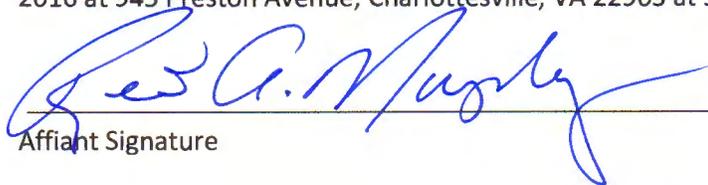


July 1, 2016

City of Charlottesville
Heather Newmyer - City Planner
P.O. Box 911
610 East Market Street
Charlottesville, VA 22902

Affidavit

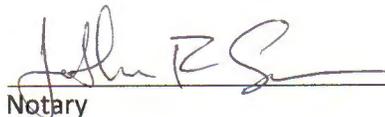
I, Reid A. Murphy, certify and affirm that on July 1, 2016, pursuant to the requirement that the applicant for a special use permit hold a community meeting in accordance with Section 34-41(c)(2) of the City of Charlottesville Code of Ordinances, I mailed via the U.S. Postal Service First Class a notice and invitation to the entire list of neighbors provided to me by Heather Newmyer, City Planner for the City of Charlottesville, to a meeting scheduled on Tuesday, July 12, 2016 at 945 Preston Avenue, Charlottesville, VA 22903 at 5:30 pm.



Affiant Signature

Signed and acknowledged before me in the City of Charlottesville, Virginia on the 5th day of July, 2016.





Notary 7529677
Reg. #

My commission expires 2/29/20

July 1, 2016

Dear Adjacent Property Owner(s), Neighbors, and Interested Parties:

In an effort to keep you informed about pending development projects that might affect you, I am inviting you to an informational Community Meeting to discuss our proposed plans for the redevelopment of 1248 Emmet Street (formerly Lord Hardwick's Restaurant). Our plan proposes to raze the existing structure to allow for the construction of a Zaxby's fast-casual restaurant, which will include pushing the building as close to Emmet Street as possible while maintaining the existing stand of trees along Meadow Creek to help mitigate the impacts of a new drive-through service window.

You are invited to attend a meeting to learn more about and discuss this project to be held at 945 Preston Avenue, next to Shenandoah Joe's Coffee Roasters on Tuesday, July 12, 2016 at 5:30 pm.

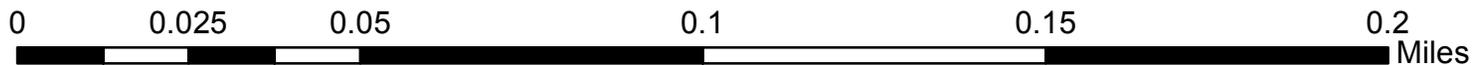
Do not hesitate to contact me if you have questions.

Sincerely,



Reid Murphy

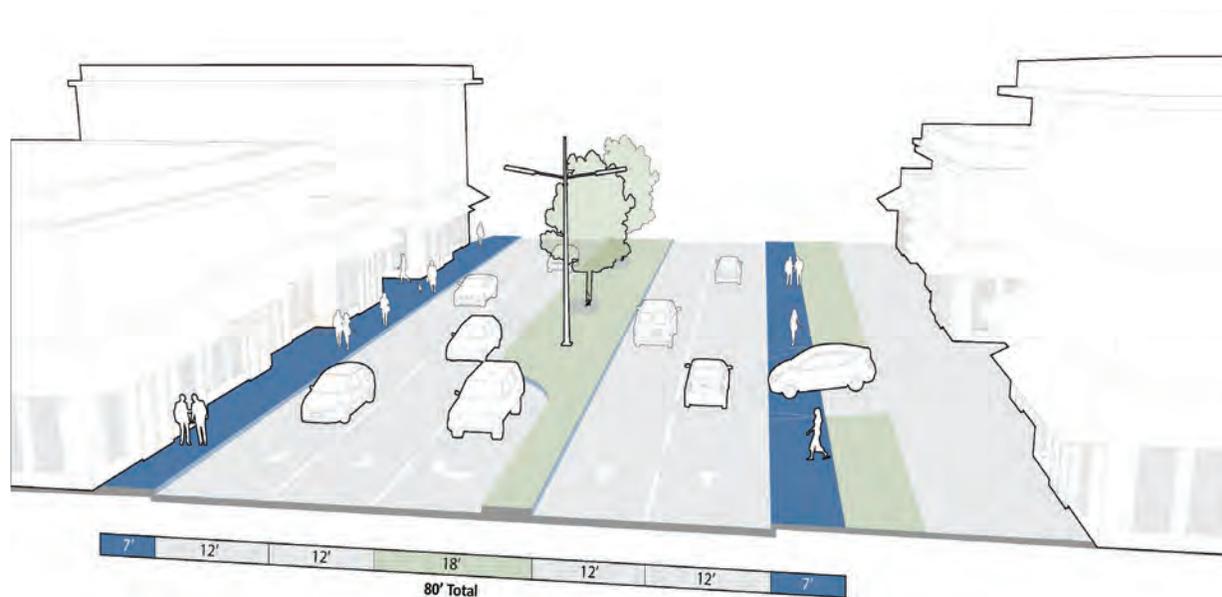
Meadowbrook Road Shared Use Path and Creek Improvements



Mixed Use A

Existing Mixed Use A street segments in Charlottesville include segments of Emmet Street, 5th Street, Preston Avenue and Hydraulic Road. These segments are characterized by two vehicular travel lanes in either direction, a center median/turn lane, sidewalks without buffers and standard bicycle lanes. Currently, buildings along these streets are deeply set back from the edge of the road, often with parking between the curb and the structure.

► Existing





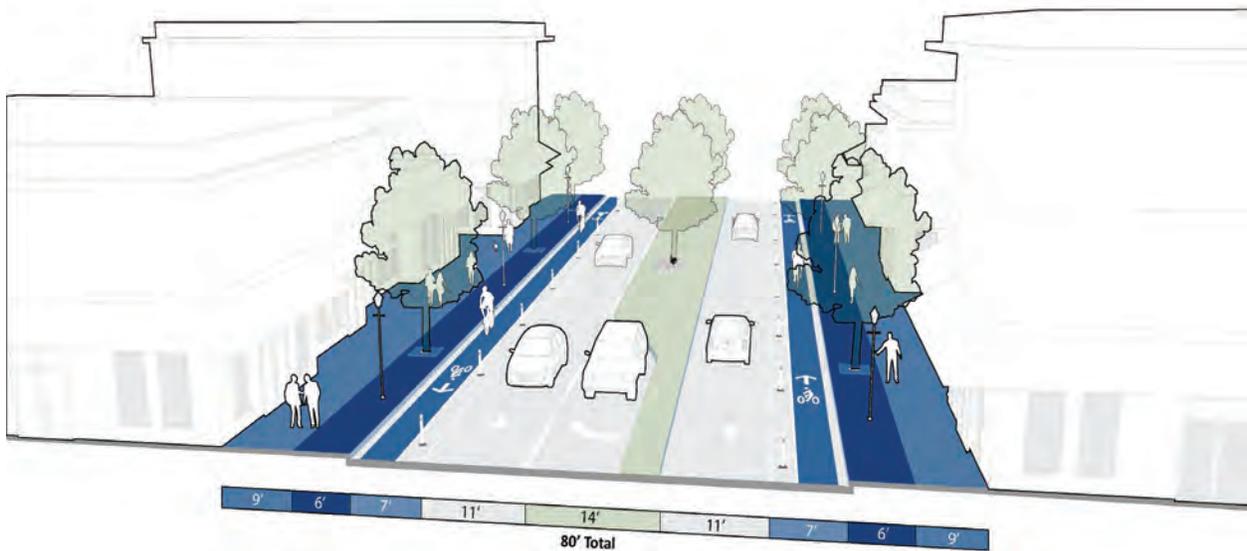
Street Segment	Posted Speed Limit (mph)	AADT	Heavy Vehicle Mix
Emmet St N Massie Rd to Hydraulic Rd	40	29,000	1%
Hydraulic Road Emmet St N to 250 Bypass	40	27,000	2%
Ridge-McIntire Road W Main St to Preston Ave	25	22,000	1%
Preston Avenue 10th St NW to Ridge-McIntire Rd	35	20,000	1%
5th St SW Cherry Ave to City Limits	45	17,000	2%
Ranges	25-45	17,000-29,000	1-2%

► Future

There are two potential Mixed Use A cross sections shown below. The first “Retrofit” cross section applies these Guidelines to the existing right-of-way. To do this, certain trade-offs are required. The retrofit cross section shows a single travel lane in each direction, buffered bike lanes, wider sidewalks with curbside buffer zones for trees and pedestrian scale lighting.

The second “Unconstrained” cross section shows two vehicular travel lanes in either direction, a center median/left turn lane and separated bike lanes. This scenario also has separated bike lanes, wider sidewalks with curbside buffer zones for trees and pedestrian scale lighting.

► Retrofit



► Unconstrained

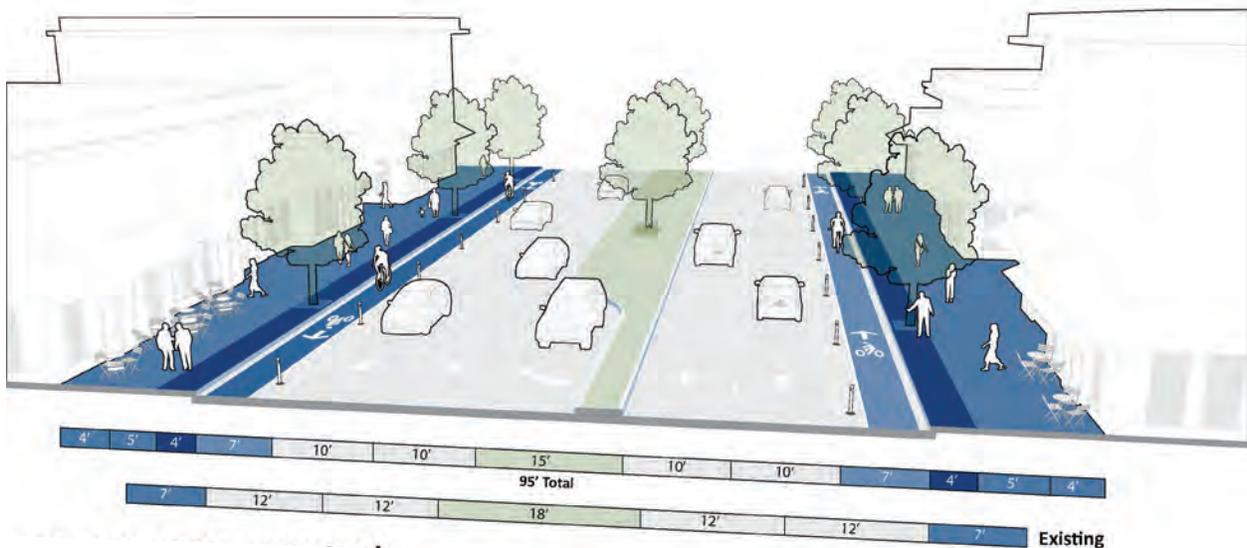


Table of Street Elements

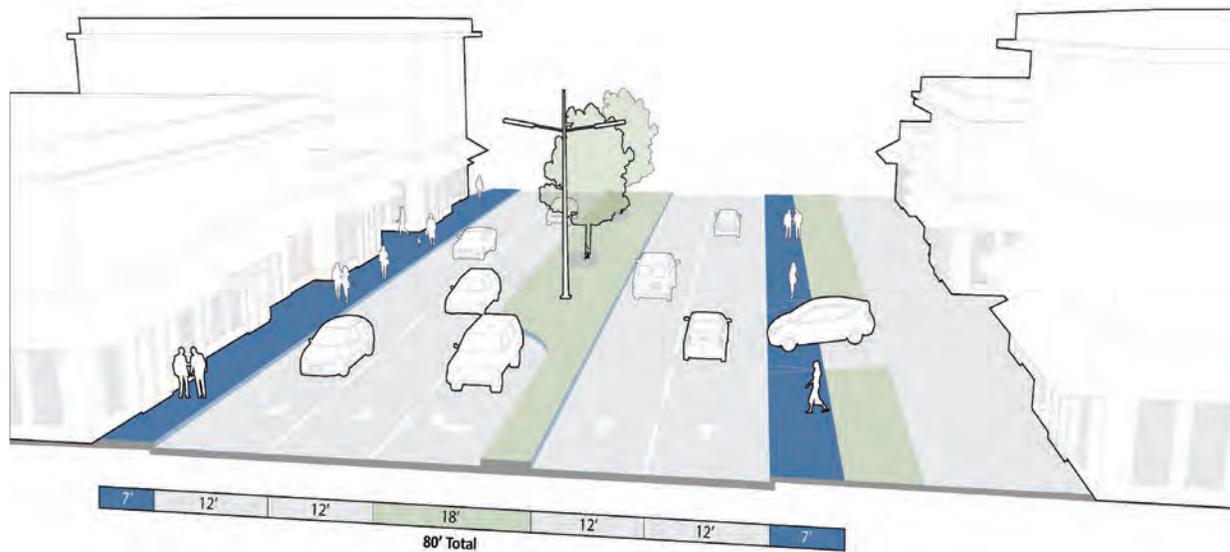
MIXED USE A STREET Major Design Elements	Recommended	Parameters
Right-of-way	n/a	60' - 100'
Sidewalks	Yes	> 7' clear walk zone
Curbside Buffer Zone (Highest Priority Street Element)	Yes	3' - 6' Width requirements: small trees = 4'; medium trees = 4' (6' preferred); large trees = 4' (6' preferred); smaller widths can be achieved if soil volume minimum met.
Street Trees	Yes	Locate in curbside buffer or in on-street parking zone Soil volume minimums: small trees = 250 ft ³ ; medium trees = 400 ft ³ ; large trees = 400 ft ³ (700 ft ³ preferred)
On-Street Parking*	Limited or None	8'
Diagonal On-Street Parking	No	Back-in parking only, 60°, 17' min. stall depth
Off-Street Parking Access	Limited	Driveways, service and loading preferred from alleys and side streets
Travel Lane Widths*	n/a	10-11', if transit 11' outer lane
Turn Lanes	Yes	10'
Design Speed	Slow	< 30 mph
Bicycle Facilities (High Priority Street Element)	Yes	5'-7' bike lanes, 7' separated bike lanes, turn boxes, 10' shared use paths Bicycle parking in Curbside Buffer Zone or on-street
Transit Stop Facilities	Yes	Shelters, benches, paved curbside waiting areas, litter receptacle
Traffic Calming	Yes	Roundabouts, medians
*Combined travel lane and on-street parking width 18' minimum (7' on-street parking, 11' travel lane OR 8' on-street parking, 10' travel lane)		
**Trees: small (10' – 30' mature height) ; medium (30' – 50' mature height); large (50' mature height)		
	Highest Priority Street Elements	High Priority Street Elements

MIXED USE A STREET Major Design Elements	Recommended	Parameters
Curbs	Yes	Vertical curb, or combination curb and gutter
Gutters	Yes	Combination curb and gutter
Pedestrian Lighting	Yes	16' Height Maximum; See Lighting Standards
Street Lighting	Yes	
Median	Yes	Recommended to facilitate safe pedestrian crossings on streets with 3 lanes of traffic (can alternate with center turn lane); traffic calming, and stormwater management
Curb Radii	n/a	20' - 30'
Build-To Line/Street Wall Set Back from Public ROW	n/a	5'-10'+; varies by zoning district
Green and Blue Stormwater Opportunities	Yes	See Stormwater Elements section in Chapter 4.
Sidewalk Pavement Material	n/a	Concrete, permeable pavement, permeable pavers
Parking Lane Material	n/a	Asphalt, permeable pavement, unit pavers
Roadway Material	n/a	Asphalt
Gutter Material	n/a	Asphalt, concrete
Curb Material	n/a	Concrete
Curbside Buffer Zone Material	n/a	Unit pavers, permeable pavement, lawn, groundcover, vegetated tree boxes
Utilities	n/a	Separation Requirements for Street Trees/Above Ground Infrastructure: 10' preferred, 5' minimum. Anything under 10', consult with Utilities Engineer to reach solution.
*Combined travel lane and on-street parking width 18' minimum (7' on-street parking, 11' travel lane OR 8' on-street parking, 10' travel lane)		
	Highest Priority Street Elements	High Priority Street Elements

Mixed Use A

Existing Mixed Use A street segments in Charlottesville include segments of Emmet Street, 5th Street, Preston Avenue and Hydraulic Road. These segments are characterized by two vehicular travel lanes in either direction, a center median/turn lane, sidewalks without buffers and standard bicycle lanes. Currently, buildings along these streets are deeply set back from the edge of the road, often with parking between the curb and the structure.

► Existing





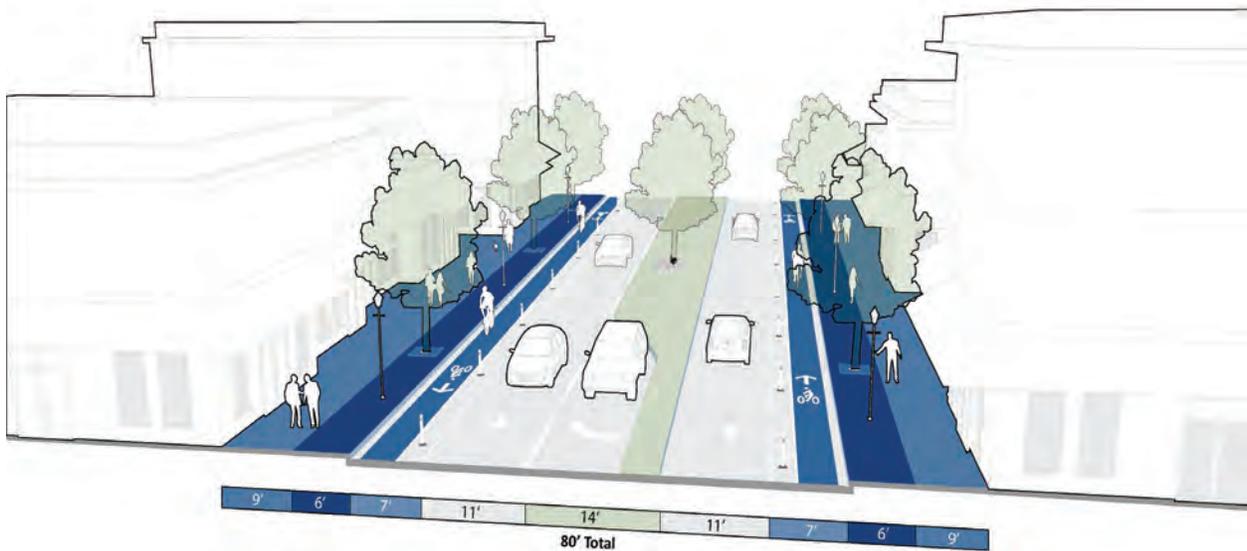
Street Segment	Posted Speed Limit (mph)	AADT	Heavy Vehicle Mix
Emmet St N Massie Rd to Hydraulic Rd	40	29,000	1%
Hydraulic Road Emmet St N to 250 Bypass	40	27,000	2%
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► Retrofit



► Unconstrained

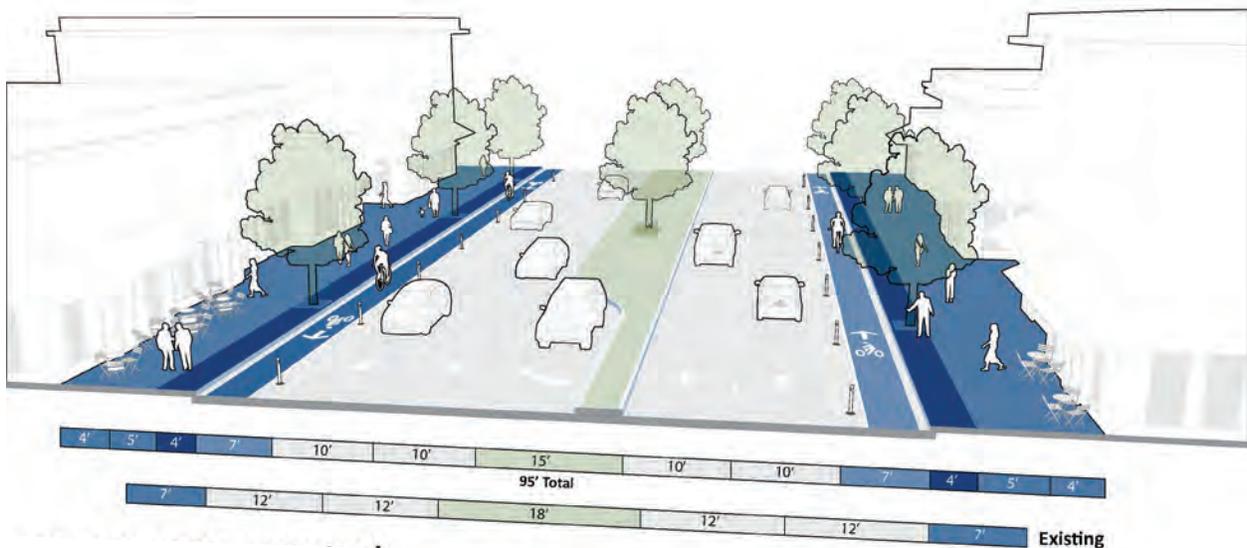
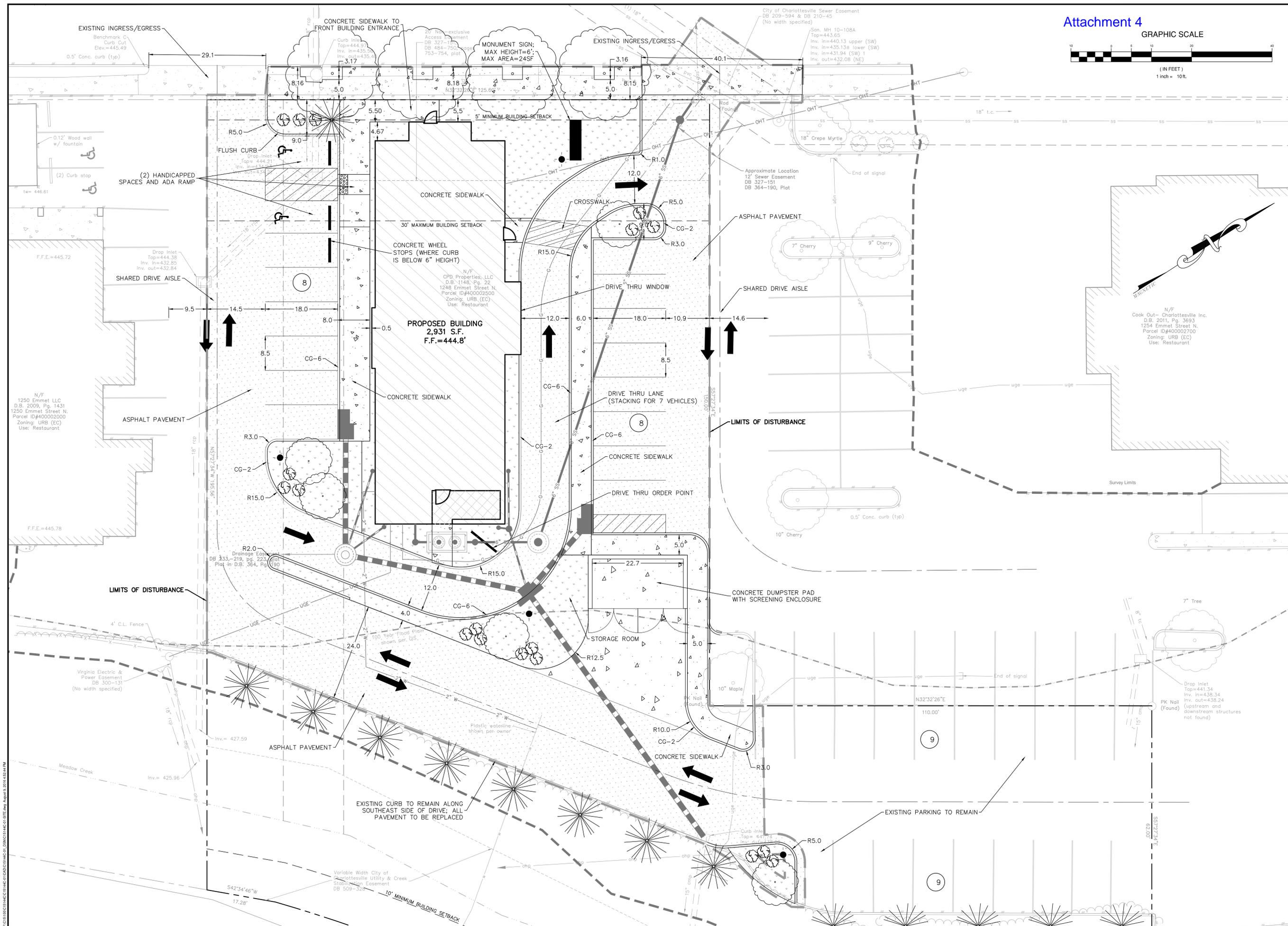
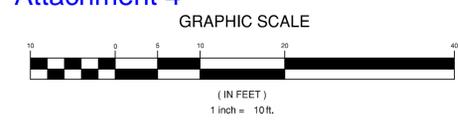


Table of Street Elements

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Street Trees	Yes	Locate in curbside buffer or in on-street parking zone Soil volume minimums: small trees = 250 ft ³ ; medium trees = 400 ft ³ ; large trees = 400 ft ³ (700 ft ³ preferred)
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Diagonal On-Street Parking	No	Back-in parking only, 60°, 17' min. stall depth
Off-Street Parking Access	Limited	Driveways, service and loading preferred from alleys and side streets
Travel Lane Widths*	n/a	10-11', if transit 11' outer lane
Turn Lanes	Yes	10'
Design Speed	Slow	< 30 mph
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Transit Stop Facilities	Yes	Shelters, benches, paved curbside waiting areas, litter receptacle
Traffic Calming	Yes	Roundabouts, medians
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Draper Aden Associates
 Engineering • Surveying • Environmental Services
 Charlottesville, VA
 700 Harris Street, Suite E
 Charlottesville, VA 22903
 434-995-0700 Fax: 434-295-2105
 www.daa.com

SITE AND DIMENSIONAL PLAN
1248 EMMET STREET
 CHARLOTTESVILLE, VIRGINIA

REVISIONS

AUGUST 9, 2016	PRELIM REVS PER CITY
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NOT FOR CONSTRUCTION

DESIGNED BY:	DAA
DRAWN BY:	ECB
CHECKED BY:	JWS
SCALE:	1" = 10'
DATE:	MAY 24, 2016
PROJECT NUMBER:	C15144C-01
C2.0	

P:\01\1501144C-01\1501144C-01\1501144C-01 SITE PLAN.dwg August 8, 2016 4:24 PM

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date: September 6, 2016

Action Required: Resolution

Presenter: Tony Edwards, Neighborhood Development Services Manager
Amanda Poncy, NDS, Bicycle and Pedestrian Coordinator

Staff Contacts: Tony Edwards, Neighborhood Development Services Manager
Amanda Poncy, NDS, Bicycle and Pedestrian Coordinator

Title: Charlottesville project submissions for House Bill 2 (HB2/ SMART Scale),
and Bicycle and Pedestrian Safety Program Transportation Funding

Background: The Governor signed House Bill 2 into law in 2014, which is now known as SMART Scale. This grant program outlines the funding process for potential state transportation projects. The City of Charlottesville was successful in its first year of HB2 submissions by being awarded 3 out of 3 projects for a total grant funding of over \$29,000,000. Submitted projects are reviewed by the state to determine if they qualify to be scored and those scored will be based on a statewide system. There are two main ways to apply for funding within the SMART Scale process –the Construction District Grant Program (CDGP) and High – Priority Projects Program. A project applying for funds from CDGP is prioritized with projects from same construction district. A project applying for funds from the HPPP is prioritized with projects statewide. The Commonwealth Transportation Board (CTB) then makes a final decision on which projects to fund.

The City is eligible to apply for both types of funding and anticipates submitting applications for consideration for both funding pools. Additional background information on funding criteria and requirements may be reviewed here: <http://www.virginiahb2.org>.

Staff has identified 2 potentially qualified SMART Scale projects for submission this September .

In addition, the City is seeking funding for Pedestrian Safety Improvements under the VDOT Bicycle and Pedestrian Safety Program (BPSP). The purpose of the BPSP is to evaluate proposals addressing non-motorized crashes and risks in Virginia. Proposals target the reduction in the number and severity,

or the risk of and exposure to crashes. The intent of the BPSP is to promote proposals that address a known safety or accommodation issue, are smaller in scale, and can be completed quickly.

In 2015, Timmons Group reviewed the City's 72 signalized intersections for compliance with the Americans with Disabilities Act. The study identified over \$1.1 million dollars in deficiencies related to safe, pedestrian access - including curb ramp improvements, access to pedestrian pushbuttons, and the timing of pedestrian crossings.

Staff has identified projects based on the results of the Timmons Group study and the Streets that Work Plan.

Discussion: Staff has again attended State training for SMART Scale (HB2) on-line portal web site and reviewed the requirements for submission. A meeting was held with City and MPO representatives to discuss those project ideas and to provide additional guidance. Staff is currently gathering data and drafting application forms for the potential projects. The following are the staffs recommended projects:

1. **West Main Street Streetscape (HB-2)** – West Main Street is an emerging, mixed-use corridor, which has seen significant private reinvestment in recent years. This investment has led to an increase in the number of people who live on, work on, and visit West Main Street. To keep pace with the evolution of the street and the adjacent neighborhoods, the City has recognized the need to create a new vision for the corridor- one that captures the needs of both today and the future. This vision has been translated into a plan that will improve the economic vitality of the City, improve the environmental sustainability of the corridor, and provide multi-modal connections to surrounding areas of the City. To realize this vision, the West Main Street Streetscape project will provide critical improvements for the following modes of transportation along the corridor:
 - Vehicles- the proposed design will further facilitate traffic flow along the corridor and include critical improvements such as traffic signal improvements, street access to adjacent neighborhoods and accommodations for emergency vehicles (including police, fire, & rescue).
 - Pedestrians- the proposed plan will provide intersection improvements, increase sidewalk widths to stimulate activation of the street, and improve sidewalk connectivity to adjacent neighborhoods.
 - Bicycles- a lane diet will reduce vehicle lane widths and on-street parking to accommodate safe bike lanes and improved intersection crossings.
 - Transit- West Main Street is one of the busiest public transit corridors in the City which includes local bus operations, Amtrak, and Greyhound.

Strengthening vehicular, pedestrian and bicycle accommodations to these facilities will provide greater access to these regional transportation resources. Strategies developed through the planning process will ensure that the street will become a multimodal corridor where visitors and residents can support local businesses as well as celebrate the Street's history and culture.

2. **Barracks Road Intersection improvements at Emmet Street (HB-2)** – This project will incorporate improvements to all phases and functionality of the intersection. Right turn lanes will be added to the northbound Emmet Street (Rt29 corridor) and westbound Barracks Road. This will entail relocation of one traffic signal pole and acquisition of right of way. The current volume to capacity ratio of the intersection during peak hour is 1.03. Infill developments, currently under review, at both corners of the eastside of Emmet Street will push this ratio north of 1.10. The proposed improvements will decrease the ratio to 0.92, while increasing the functionality. This translates to queue lengths along Emmet St. dropping from 2400 feet to less than 600 feet and queues along Barrack Rd. being cut in half. The two developments that are in review have worked with the city during their project reviews and have revised plans to allow for the necessary right of way, move buildings to allow room for the lanes, and contribute resources to help construct the ultimate vision of this project. Along with car-centric improvements, bicycle / pedestrian and transit improvements are proposed. These would include the installation of pedestrian refuge islands across both streets, construction of a multiuse sidewalk along Emmet Street and connecting to a planned, future trail network that extends down Meadowbrook Road. There is currently a bus stop within the functional area of the intersection that will be upgraded to include a bus stop shelter.

3. **ADA Pedestrian signal Improvements(BPSP)** – Based on the results of the Timmons Group study, and the Streets that Work recommendations we propose the following intersections to be included in the BPSP application:
 - a. Monticello/Ridge (also SIA)
 - b. Monticello/2nd Street (also SIA)
 - c. Cherry/Ridge (concurrent development project)
 - d. Preston/Harris
 - e. Preston/4th
 - f. Preston/Ridge
 - g. Preston/10th
 - h. Grady/10th

4. **Authorization for City Manager to Make and Execute Applications for federal and state funding for Transportation Projects-** This allows the City to streamline the application process and satisfy Council's desire that when federal and / or state funding is made available for a priority transportation project, applications should be made, and project administration agreements should be executed on behalf of City Council, in the most expeditious manner possible.

Alignment with Council Vision Areas and Strategic Plan:

Submissions for the SMART Scale and BPSF funding requests have the opportunity to support City Council's Vision for Economic Sustainability, A Green City, America's Healthiest City and A Connected Community. In addition, it would contribute to Goal2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community and objectives 2.3. Provide reliable and high quality infrastructure and 2.6. Engage in robust and context sensitive urban planning. These project requests align with goals within the Comprehensive Plan, and Bike and Pedestrian Plan.

Community Engagement:

The West Main Streetscape project included significant community outreach and multiple opportunities for public input. The first public meeting was held December 7th 2013. The development of alternatives were presented to the community in 2014. A preferred alternative was selected and presented to the community in the Spring of 2014, and the final Master Plan was completed with the selection of a Option #1 concept.

Barracks Road Intersection Improvements have been a part of the public site plan development and review process with the adjacent owners. The two developments that are adjacent to the proposed SMART Scale improvements have revised their plans to allow for the necessary right of way, move buildings to allow room for the lanes, and contribute resources to help construct the ultimate vision of this project.

The BPSF projects draw heavily from the recommendations included in the Streets that Work Plan, which had extensive community outreach. A full account of the public engagement process is available at www.charlottesville.org/streetsthatwork under the Streets That Work Community Process tab.

Budgetary Impact: Receipt of Smart Scale funds would not have direct impact on the General Fund. BPSF funding would require a 10% match from the Citywide ADA

budget. Further evaluation will be needed to determine what resources would be required for project management, if funds are received.

Recommendation: Staff recommends Council provides direction to move forward with SMART Scale and BPSF funding applications for the projects noted above in priority order indicated.

Attachment(s):

Link to LRTP Appendix A:

<http://campo.tjpd.org/process-documents/lrtp-document/>

Link to SMART Scale Information:

<http://vasmartscale.org/about/default.asp>

Streets that Work

<http://www.charlottesville.org/streetsthatwork>

RESOLUTION
AUTHORIZING THE CHARLOTTESVILLE CITY MANAGER
TO ACT ON BEHALF OF THE CHARLOTTESVILLE CITY COUNCIL
IN MATTERS RELATING TO FUNDING AND ADMINISTRATION OF
CITY TRANSPORTATION PROJECTS

WHEREAS, in 2014 the Virginia General Assembly enacted the provisions of Virginia Code §33.2-214.1 (“House Bill 2”), to establish a prioritization process for projects funded by the Commonwealth Transportation Board, and pursuant to House Bill 2 the CTB established a data-driven prioritization process referred to as the System for the Management and Allocation of Resources for Transportation, or “SMART SCALE”, and VDOT requires documentation of the authority of a local official to execute agreements relating to SMART SCALE projects; and

WHEREAS, the General Assembly has authorized the Commonwealth’s boards, departments, agencies and officials to enter into contracts with localities to administer contracts for SMART SCALE, and other federal- and state-funded transportation projects for highway/transportation infrastructure construction, maintenance and improvements; and

WHEREAS, the Charlottesville City Council desires that, when federal and/or state funding may be available for a priority transportation project, applications should be made, and project administration agreements should be executed on behalf of City Council, in the most expeditious manner possible; Now, therefore,

BE IT RESOLVED by the Charlottesville City Council that, effective on the date this Resolution is approved, the Charlottesville City Manager is hereby designated as the agent of the Charlottesville City Council, authorized to undertake the following actions in the name of the City of Charlottesville: **(i)** make and execute application(s) for federal and state funding for transportation projects; **(ii)** accept grants, and execute grant agreements and other documents necessary to secure funding for City transportation projects, **(iii)** execute and undertake obligations set forth within project administration agreements, and **(iv)** execute other documents, as may be necessary for or in connection with any of the foregoing. The authority conferred by this Resolution shall be exercised by the City Manager subject to the availability and appropriation of funds by City Council sufficient to support performance of the City’s obligations under such agreements.

ADOPTED this _____ day of September, 2016.

Certified:

By: _____
Paige Rice, Clerk of City Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 6, 2016
Action Required:	Report
Presenter:	Alexander Ikefuna, Director
Staff Contacts:	Missy Creasy, Assistant Director NDS
Title:	Code Audit Next Steps

Background:

2013: PLACE Design Task Force suggested that the City undertake an audit (review) of all codes and policies related to development and land use to determine if they were aligned with the goals and values as stated in the Comprehensive Plan.

May 2014: the City held a week-long community charrette to gather feedback on the future of our streets and public spaces. Three public meetings were held over the course of 4 days. In addition, thirteen meetings were held with various stakeholders with an interest in the design of our streets. The results of this charrette helped to highlight a number of issues that were reviewed as part of this code and policy audit. Additionally, four stakeholder meetings were held in August 2014. Invited groups were developers, designers, businesses, and neighborhood leaders. The stakeholder meetings were lightly attended, but most present felt that the real interest would begin when specific recommendations come forward.

September 2014: Staff delivered a “White Paper” to City Council, Planning Commission, BAR and PLACE on September 23, 2014, indicating topic areas where staff believed review should occur. The West Main Code Update and Streets that Work Project commenced.

2015: The Bike and Pedestrian Master Plan update process concluded which provided additional information needed for completion of the Streets that Work Project. Increased focus on the West Main Zoning updates took place as elements of form based code were integrated in a manner that worked in tandem with the historic design guidelines.

2016: West Main Zoning Updates were adopted by Council in March 2016 and additional refinements continue to be underway. The Streets that Work Plan is scheduled for adoption as part of the Comp Plan on September 6, 2016. In addition, a complete revision of the telecommunications ordinance to provide full compliance with federal regulations was completed with adoption scheduled for September 2016.

Discussion:

By definition; A Code Audit is a legal review of a community's zoning and development policies and practices to determine if they are effectively implementing visions and goals for the community.

Existing conditions:

Currently there are conflicts in the ordinance that the City needs to address. Some of the conflicts are apparent and include, for example, the concern of potentially incompatible infill projects. Other issues range from the creation of affordable housing, existing rules that may discourage complete street principals and mixed use development opportunities; lack of provisions that support the shared street concept; concerns with predictability of the development review process; signage regulation updates; to the concern for quality of the neighborhoods for residential use, etc.

What We Are Proposing to Do

A. Legal review

The City Attorney's Office is currently reviewing the Zoning Ordinance and Subdivision Regulations to identify updates required to conform to state enabling legislation, and to address the following:

1. Provisions that seem to be most the frequent source(s) of confusion (due to conflicts with other ordinance provisions; difficulty of practical interpretation or enforcement; institutional practices that differ from written requirements.)
2. Recommendations for supporting materials (Appendices, Regulations, etc.) that would allow use of illustrations and graphics more efficiently, and that would support a streamlined development review process.
3. Recommendations for practices that will allow the Comprehensive Plan to become a more effective "source document" for implementation via zoning and development review process.

Alignment of the Standards and Design Manual and Comprehensive Plan

This involves engineering staff review of the current Standards and Design Manual and will focus on updating the current Manual to implement the recommendations in the Streets That Work Plan (scheduled for approval as an amendment to the Comprehensive Plan by the City Council on September 6). This process would include the following:

1. Develop design standards for the streets referenced in the Streets that Work Plan
2. New standards to implement Bike and Pedestrian Master Plan
3. Updated lighting standards
4. Update of tree planting and green infrastructure provisions.

Work Plan Timeframes

The estimated time includes time needed to develop discussion draft documents. Once staff's work product is drafted, the NDS Director and Council will determine next steps for particular items.

Timeline for Developing Draft Discussion Documents		
Activity	Target Timeline for Completion	Responsible Entity
Legal review process	March 2017 to May 2017	City Attorney's Office
Alignment of the Standards and Design Manual with the Comprehensive Plan	September 2016 – October 2017	NDS in consultation with appropriate city departments and related agencies

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's vision of Economic Sustainability, Quality Housing Opportunities for All, America's Healthiest City, a Connected Community and a Green City. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community. This also aligns with discussions and commitments of City Council, the PLACE Design Task Force, the Planning Commission and various other city groups.

Community Engagement:

The documents and processes discussed on page 1 of this memo underwent an extensive citizen engagement process. The recommendations as adopted by City Council would inform the proposed wholesale revision of the development regulations. At this preliminary stage, no citizen engagement is planned; however, once the draft discussion documents are completed, the citizen engagement process with the public and stakeholders would kick off.

Budgetary Impact:

Budgetary impact is unknown at this time.

Recommendation:

Staff requests that Council approve the Work Plan outlined above, including the times estimated for performance of staff work.

Alternatives:

If Council has any other items, or alternatives, it is recommended that Council provide specific guidance as to expectations and time for performance, and indicate whether the use of outside consultants is desired.

